



# Governor's Budget State of Montana Fiscal Years 1998-1999

Marc Racicot  
Governor

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**MANDATED BUDGET COMPONENTS**

**Volume 8**

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## **MANDATED BUDGET COMPONENTS**

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## Budget Parameters

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### Introduction

The Governor's 1999 Biennium Executive Budget is presented in nine volumes, summarized as follows:

- **Budget Highlights** - A pocket summary of the Governor's recommended budget
- **Volume 1 & 2** - Recommended agency budgets and rates, the building program, grants and loans, information technology, pay plan and health insurance, property tax reappraisal, and all other proposals affecting the general fund or assigned to joint appropriations subcommittees for consideration. For the first time, these volumes also include the analysis of the Executive Budget prepared by the Legislative Fiscal Division and both are published in a combined format by the LFD in accordance with 5-12-302, MCA.
- **Volume 3** - Capital Construction Program contains details of the long-range building and major maintenance recommendations, which are summarized in Section F of Volume 2.
- **Volume 4** - Treasure State Endowment Program applications and technical analysis supporting the recommendations, which are summarized in Section F of Volume 2.
- **Volume 5** - Reclamation and Development Grants Program contains the criteria, project descriptions, and 1999 biennium recommendations, which are summarized in Section F of Volume 2. In addition, there is a Reclamation and Development Grants Program Appendix which contains all of the applications and technical analysis used in preparing the recommendations.
- **Volume 6** - Renewable Resource Grant and Loan Program contains the criteria, project descriptions, and 1999 biennium recommendations, which are summarized in Section F of Volume 2. In addition, there is a Renewable Resource Grant and Loan Program Appendix which contains all of the applications and technical analysis used in preparing the recommendations.
- **Volume 7** - Cultural and Aesthetic Grants Program contains the criteria, project descriptions, and assessments used in preparing the recommendations, which are summarized in Section F of Volume 2.
- **Volume 8** - Mandated Budget Components includes agency goals and objectives, federal mandates, budget summary by fund for four years, grade change report, and other informational items such as an Americans With Disabilities Act progress report, that are not included in Volumes 1 and 2.

### Agency Budgets

The recommended budget for each program in state government begins with the fiscal 1996 base, which is the actual expenditures for the July 1, 1995-through-June 30, 1996, year from the general appropriations act and pay plan bill appropriations (HB 2 and HB 17, respectively), plus any other ongoing appropriations, minus one-time-only items which terminated or which the last legislature specifically excluded from the base. Certain fiscal 1996 base information also was adjusted for completed Executive Branch reorganizations or permanent program transfers, wherein the Governor approved moving FTE and authority among agencies or programs, with no increase in bottom line authority, to improve efficiency or effectiveness.

The program tables also show three fiscal 1998 columns and three fiscal 1999 columns: (1) Base Adjust, showing the net total present law adjustments recommended to the fiscal 1996 base, (2) New Proposals, showing the total of all initiatives, policy changes, and significant revisions recommended by the Governor (or requested by the Legislative Branch); and (3) Total, which is the fiscal 1996 base, plus or minus present law adjustments, plus or minus new proposals.

Executive narrative following each program table briefly, in order includes: (1) the program description and summary of the primary source of state and/or federal present law mandates, which are more completely listed as required by law in Volume 8 of the Executive Budget; (2) description of the present law base adjustments in numerical order consistent with the legislative action table; (3) summary of each new proposal recommendation by name in numerical order consistent with the legislative action table; and (4) additional, optional information about the program.

## **Funding of Agency Budgets**

The general policy followed in developing the budget was to ensure that all available funds are used prior to general fund commitments. State special revenue fee increases are recommended on a very limited basis and were more favorably considered when there have been no increases over the last two biennia and when the fees are paid by a group of identifiable users for a specific benefit. Federal special revenue may be excluded from the executive budget if the cost in matching or other commitments is too high. Maintenance of effort and matching rates were reviewed. A few shifts from lost federal revenue to general fund are recommended, but the general policy was not to backfill for decreasing federal funds. The LFD analysts wrote the funding portion of the narrative.

## **Present Law Base Adjustments**

An Executive Present Law Adjustments Table for legislative consideration and action is presented for each program. The consistent adjustments that appear in most programs of state government are discussed below.

- 1) Personal Services - Present law costs reflect current pay statutes adopted last session. The Workers' Compensation and Unemployment Insurance rates vary from agency to agency based on agency experience. Fiscal 1997 rates were adjusted to projected fiscal 1998 and 1999 levels based on advice provided by representatives of the State Insurance Compensation Fund and the Department of Labor and Industry, respectively. The employers contribution for retirement systems was maintained at the same rates required by law. The health insurance contribution remains at the \$225 per month per employee rate adopted previously. There are 2,088 hours in fiscal 1998 and fiscal 1999.

After present law adjustments were complete, a 3 percent vacancy savings was applied across-the-board to present law and new proposal personal services, except for university system instructional faculty, agencies with fewer than 20.00 FTE, and the Legislative Branch. The Executive Budget pay plan proposal is to be funded primarily from the vacancy savings.

- 2) Inflation/Deflation - Inflation factors were not applied to all third-level objects of expenditure in agency budgets for the 1999 biennium. Instead, selected expenditure items were inflated by mutual agreement between the OBPP and the LFD. The table below lists the expenditure items that were adjusted and the rate of inflation/deflation that was applied to the fiscal 1996 actual expenditures. In general, these inflation factors are based on price level forecasts for certain commodity groups prepared by Wharton Economic Forecasting Service.

**Office of Budget And Program Planning  
Inflation Adjustments for 1999 Biennium  
For Application to FY 96 Base**

		<b><u>Inflation Factors for:</u></b>	
<b>Object:</b>	<b>Object Name</b>	<b>FY 98</b>	<b>FY 99</b>
<b>Energy Related Inflation Items:</b>			
2216	Gasoline	1.071	1.117
2242	Diesel Fuel	1.071	1.117
2297	Propane Vehicle Fuel	1.071	1.117
2601	Electricity		
	MDU Service Area	1.000	1.000
	MPC Service Area (Default)	1.058	1.058
2603	Natural Gas		
	MPC Service Area (Default)	1.05	1.074
	MDU Service Area	1.05	1.074
2604	Laboratory Gas	1.071	1.117
2607	Propane	1.071	1.117
2724	Oil	1.071	1.117
2731	Paint - Buildings	1.071	1.117
2732	Paint - Traffic Line	1.071	1.117
2738	Road Oil	1.071	1.117
2742	Oil Mixed Material	1.071	1.117
<b>Food Items Inflated:</b>			
2117	Board & Room		
2145	Food Service Expense	1.049	1.067
2205	Food	1.049	1.067
2251	Meat	1.049	1.067
2252	Dairy	1.049	1.067
2253	Produce	1.049	1.067
2254	Bakery	1.049	1.067
2264	Grocery	1.049	1.067
2275	Poultry	1.049	1.067
2278	Beverages	1.049	1.067
2279	Red Meat	1.049	1.067
2288	Canned Goods	1.049	1.067
2289	Staples	1.049	1.067
2291	Sea Foods	1.049	1.067
2292	Pork	1.049	1.067
<b>Proprietary Rate Items:</b>			
2172	Computer Processing/DoA	0.670	0.540
2370	Telephone Equip Charge/DoA	0.730	0.730
2304	Postage & Mailing	1.030	1.030
2385	Long Distance Charge/DoA	0.900	0.900
2190	Printing/P&G	1.000	1.000
2193	Photocopy Pool Services	1.120	1.120
2194	SBAS O,E & E	0.670	0.540
2404	In-state Motor Pool	1.274	1.207
<b>Medical Inflation Items:</b>			
2106	Lab Testing	1.056	1.090
2116	Medical Services	1.056	1.090
2118	Medical Services	1.056	1.090
2119	Dentistry	1.056	1.090
2170	Prescription Services	1.056	1.090
2208	Lab Equip & Supplies	1.056	1.090

Object:	Object Name	Inflation Factors for:	
		FY 98	FY 99
2209	Medical & Hosp Supplies	1.056	1.090
2222	Drug	1.056	1.090
2265	Misc Medications	1.056	1.090

- 3) **Fixed Costs** - Fixed cost items are those third-level objects of expenditure for which a schedule of fixed, agency-specific amounts are developed. Affected agencies then allocate these amounts to programs. There are nine fixed cost items listed below and presented in detail under the applicable administering agency.

<u>Object</u>	<u>Fixed Cost Item</u>
2104	DoA Insurance
2113	DoA Warrant Writing Fees
2114	DoA Payroll Service Fees
2122	Legislative Audit Fees
2174	DoA Data Network Fees
2307	DoA "Deadhead" Messenger Services
2527	DoA Rent
2770	FWP Grounds Maintenance
2895	DoA State Funds Cost Allocation Plan (SFCAP)

### **Zero-Based Justification Expenditures**

The following objects of expenditure required agency justification to remain in a recommended budget.

<u>Expenditure Category</u>	<u>Description</u>
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#### **Personal Services**

11XX	Categories such as overtime, differential pay, and shift differential are requested and justified as zero-based.
13XX	Other compensation for board members and advisors who are reimbursed in accordance with substantive law are requested and justified based on membership and work plans.

#### **Operating Expenses**

2102	Consult & Prof Services
2165	Secy & Temporary Service
2169	Contracts with Non-Profits
2175	System Development/D of A
2176	System Development/Non-D of A
2528	Rent/Non-D of Adm Bldgs
2529	Rent/Non-State Bldgs
2827	Indirect/Administrative Costs
2888	Statewide Indirect Costs

#### **Other**

3XXX	Equipment
4XXX	Capital Outlay
5XXX *	Local Assistance
6XXX *	Grants
7XXX *	Benefits & Claims

8XXX Transfers  
9XXX Debt Service

\* These categories are justified on specialized forms.

Equipment prices were taken from the term contract and price lists provided by the Procurement and Printing Division of the Department of Administration when possible.

### **Cost Allocation**

Cost pools funded by allocating costs to more than one program within an agency were reviewed to ensure there were no additional management functions which could be included and thus reduce general fund. Efforts were made to ensure that the general fund is not picking up a disproportionate share of support services.

### **Statutory and Language Authority**

Although 1999 biennium budgets have been prepared for all such authority, the general fund amounts are included in the balance sheet and none is shown in the agency or program tables. Statutory and language authority is not appropriated in HB 2 and is never combined with appropriations contained in HB 2 or any other bills.

### **New Proposals for the 1999 Biennium**

All state agencies, excluding the legislative branch, requested new proposals with 550.98 FTE, about \$170 million general fund and \$286 million other funds during the Executive Planning Process (EPP), which began last February and ended October 15, 1996. Thorough analysis of all requests and agency conferences to discuss goals and needs resulted in Executive Budget recommendations to approve HB 2 new proposals with a total of 373.28 FTE, \$77.5 million general fund and \$102.5 million other funds.

### **Performance-Based Budgeting Pilot Project**

There are new functions included in the expanded performance-based budgeting (PBB) pilot project that included three state agency programs in the current biennium, which also are continuing. The 1999 biennium participating state agency functions and programs are as follows:

- 1) Citizens' Advocate in the Governor's Office
- 2) Legislative Activity and the Elections Bureau in the Secretary of State's Office
- 3) Records and Driver Control Unit of the Motor Vehicle Division in the Department of Justice
- 4) Natural Resources Information System (NRIS) in the Montana State Library (continuing)
- 5) Law Enforcement Division in the Department of Fish, Wildlife and Parks
- 6) State Motor Pool in the Department of Transportation
- 7) State Nursery in the Forestry Division of the Department of Natural Resources and Conservation
- 8) Corporation and Natural Resource Tax Division of the Department of Revenue
- 9) Central Mail Program in the Department of Administration (continuing)
- 10) Weights and Measures Bureau of the Department of Commerce
- 11) Wage and Hour Unit in the Labor Standards Bureau of the Department of Labor and Industry
- 12) Human Rights Commission attached to the Department of Labor and Industry
- 13) Air National Guard in the Department of Military Affairs (continuing)
- 14) Child Support Enforcement Division in the Department of Public Health and Human Services
- 15) Montana Chemical Dependency Center in Butte of the Department of Public Health and Human Services
- 16) Improving Montana Schools in the Administration Program of the Office of Public Instruction

The most important feature of the continuing PBB pilot is that participating programs and functions include quantifiable measures for evaluating program performance in relation to their most important program goals, with specific targets to be achieved in each fiscal year of the biennium. These programs will be required to report semi-annually to the Office of Budget and Program Planning (OBPP) and the Office of the Legislative Fiscal Analyst on progress towards achieving performance targets.

Performance measures are intended to provide additional information to decision makers in the appropriations process, leading to a better understanding of the measurable results of government programs, particularly, but not necessarily, as a consequence of increases or decreases in budgetary resources. Performance measures provide a systematic evaluation for the legislature of the impact of budget and other management initiatives on program accomplishments.

In addition, when considering a participating agency's goals and associated proposed performance measures, the legislature can provide broad policy guidance to agency management regarding what the legislature would like to see state programs accomplish. Finally, performance measures are intended to be a management tool, to better focus management efforts in achieving their stated goals and objectives. It is expected that eventually, especially when reporting service efforts and accomplishments become required by the Governmental Accounting Standards Board, performance measures as reported by participating agencies will be subject to audit.

It is important to emphasize that achievement of performance targets is not an end in itself. There will often be good and valid reasons why performance targets are not achieved. An overemphasis on blind achievement of targets will tend to cause program management to develop meaningless, easily achievable performance measures and targets. The value of performance measurement is that it creates a process which constantly challenges state government programs to strive for excellence.

Officials of participating programs have been advised by the OBPP to develop performance measures on the basis of how they would like to assess their performance in the long run, not on the basis of whether supporting data is currently available. Consequently, participating programs may not have fiscal 1996 base year information for their performance targets. In addition, while performance measures should generally not change from biennium to biennium, it is expected that performance measures will evolve and be refined in the short run while participating programs gain experience.

Proposed language for the general appropriations act will require participating agencies to measure their program performance and to attempt to achieve stated targets. Participating agencies will also be required to provide semi-annual reports on their progress, with explanations of significant variances in target and actual performance.

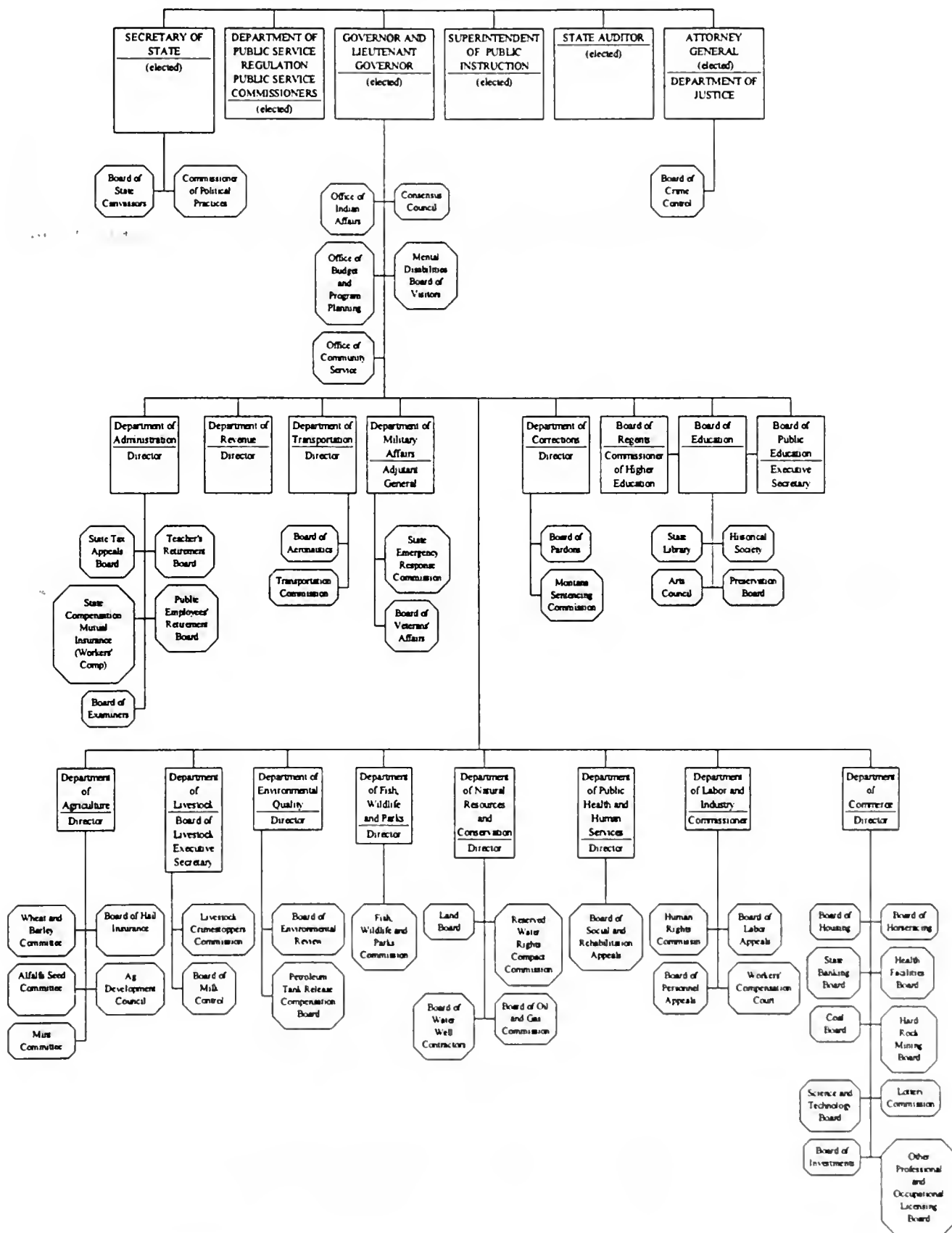
### **Statutory Authorization, Goals and Objectives Printed Separately in Volume 8**

Substantive law states in 17-7-111(2)(d)(i): "The goals and objectives must contain a list of duties prioritized by the department director to reflect the director's opinion concerning the importance of the duties assigned to the agency by law. Any discretionary programs established by the agency that are not required by law also must be enumerated."

Consistent with prior biennia, each agency was asked to: (1) provide the statutory authorization for each program, at least including the significant MCA and U.S.C. references; and (2) list the goals for each program and the most significant objectives, prioritizing the goals with a 1 for highest priority, 2 for medium priority and 3 for lowest priority, with the notation "US" for each goal assigned to the agency by federal law and "MT" for those assigned by state law.

Agency goals, objectives, priorities, and statutory authorizations are printed in Volume 8 of the Executive Budget essentially as written by each agency.

# Executive Branch Organization Chart



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## State of Montana Vision and Goals

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### THE VISION:

WE MONTANANS WANT OUR STATE TO BE ECONOMICALLY VIBRANT,  
ENVIRONMENTALLY CLEAN AND SOCIALLY SECURE, WITH ROOM TO LIVE OUR  
INDIVIDUAL DREAMS IN THE 21ST CENTURY.

### THE GOALS:

1. To protect and enhance the health, well-being and productivity of all Montanans.
2. To preserve the environment and ensure wise, productive use of our natural resources.
3. To build a solid foundation for educational opportunities and social and economic prosperity.
4. To ensure the safety of our communities.

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## Legislative Branch

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### LEGISLATIVE SERVICES PROGRAM AUTHORIZATION:

Title 5, Chapter 11, MCA

Legislative Council and publication of laws

Title 1, Chapter 11, parts 2 and 3, MCA

Code commissioner and publication

### GOALS AND OBJECTIVES:

- support effective policy development by the Legislative Council (2 MT 5-11-105);
- provide the legislature with economical, high-quality services within the Legislative Services Division's assigned areas of responsibility in accordance with the long-term requirements of the legislative institution (1 MT 5-11-112);
- provide well-qualified, stable, permanent, objective, professional, and nonpartisan staff who provide effective and efficient services to the legislative branch in accordance with the general policies of the Legislative Council and the statutes (1 MT 5-11-111);
- maintain staff skills through training and information (3 Discretionary);
- provide library reference services to the legislative branch and, to a limited degree, to other state agencies and individuals (1 MT 5-11-112);
- provide limited research, legal analysis, and reference services in response to requests from individuals and offices within the legislative branch, individual legislators, other states, and interstate agencies (2 MT 5-11-112; 5-11-301);
- provide information in response to requests from public about the legislature, statutes, and state government (2 MT Constitution: Art II, Sec 8; Art II, Sec 9; Art V, Sec 10; 5-11-112)
- draft bills for legislators and legislative committees (1 MT 5-11-112; Joint Rule 40-40);
- support legislative services needs as requested by the legislature through leadership, committees, committee chairmen, and legislators (1 MT 5-11-112);
- provide research, legal, and organizational support to interim legislative committees and other statutory committees and activities within the limits of staff availability (1 MT 5-11-112);
- accomplish the duties assigned the Code Commissioner in 1-11-204, MCA, effectively and efficiently (1 MT 1-11-204);
- review ballot issues in accordance with the requirements of 13-27-202, MCA (3 MT 13-27-202);



- support the production, engrossing, and enrolling of bills and the production of journals, bill status reports, and publications indexes, using appropriate personnel and technologies to achieve the timely and accurate projection of legislative documents and information (1 MT Joint Rules 10-120, 10-160, and 10-170 and 5-11-203 and 5-11-212);
- produce session-related publications in an attractive and useful format that is economical and acceptable to a majority of the subscribers (5-11-203 and 5-11-212);
- publish and distribute the Montana Code Annotated statute text prior to October 1 following a regular legislative session (1 MT 1-11-204);
- publish accurate updates to the Annotations to the Montana Code Annotated once each biennium (1 MT 1-11-204);
- publish Montana Code Annotated publications in an attractive and useful format that is economical and acceptable to a majority of the subscribers (1 MT 1-11-204);
- budget and account accurately for the costs associated with publishing and distributing the Code statute text, Annotations, and ancillary publications (2 MT 1-11-301);
- recover all costs of producing the Montana Code Annotated and up to a maximum of 25 percent in addition to the costs (1 MT 1-11-301);
- provide an automatic, electronic, accurate billing and inventory system for the Montana Code Annotated and ancillary publications and for other billable activities (3 Discretionary);
- provide automated search services of the Montana Code Annotated data bases and production of camera-ready copy from those data bases on a cost-reimbursable basis (3 Discretionary);
- support subscriptions to a newsletter that reports interim legislative activities, planned meetings, and other legislative news (3 Discretionary);
- support the provision of copy services for the dissemination of copies of legislative information and miscellaneous other services at a price that reflects cost (3 Discretionary);
- provide accounting, payroll, and purchasing services to the legislative branch (1 MT Joint Rule 10-100);
- operate the Legislative Intern Program in such a way as to meet the requirements of Title 5, chapter 6, part 1, MCA (3 MT);
- support legislative services division accomplishment of assigned duties by providing adequate logistical support, which includes:
  - adequate office space and furnishings;
  - office equipment, supplies, and materials;
  - reference books, materials, and services;
  - communications support, including telephone, mail, and other media (3 Discretionary); and
- plan, coordinate, install, operate, and maintain computer network and applications development services for the legislative branch (2 MT 5-11-112 and Title 5, Chapter 11, part 4).

#### **LEGISLATIVE COMMITTEES AND ACTIVITIES PROGRAM AUTHORIZATION:**

5-5-202, 5-5-211 - 5-5-217, MCA

Title 5, Chapter 11, part 3, MCA

5-11-301, MCA

5-11-301, MCA

Title 5, Chapter 11, part 7, MCA

1-12-101, MCA

1-11-301, MCA

5-11-105 through 5-11-107, MCA

5-11-115, MCA

5-11-301, MCA

5-11-703, MCA

Title 75, Chapter 1, parts 1 through 3, MCA

Title 2, Chapter 4, MCA

Title 2, Chapter 4, part 4, MCA

Title 5, Chapter 18, part 1, MCA

Title 5, Chapter 19, part 1, MCA

Title 5, Chapter 21, MCA

Title 5, Chapter 22, MCA

Title 5, Chapter 1, part 1, MCA

Organization - interim studies activities

Appointment and composition of joint committees

Selection and assignment of interim studies

Functions of Legislative Council

Interstate cooperation activities

National Conference of State Legislatures

Pacific Northwest Economic Region

National Conference of Commissioners on Uniform State Laws

Publication

Powers and duties of council, authority to investigate and examine, and powers relating to hearings

Advice of Legislative Council

Functions of Legislative Council - interstate and international cooperation

Appointment to Pacific Northwest economic region - vacancy

Environmental Policy and Protection Generally - general provisions, environmental impact statements, Environmental Quality Council

Administrative Procedure Act

Legislative review of rules

Revenue Oversight Committee - composition, powers and duties

Committee on Indian Affairs - general provisions

Committee on Public Employee Retirement Systems

Committee on Children and Families

Congressional, Senatorial, and Representative districts - districting and apportionment.

## GOALS AND OBJECTIVES:

### Technical

- to account for and pay legislator salaries, travel expenses, communications expenses, consultant costs, and other direct costs associated with the conduct of interim studies assigned under 5-5-211 and 5-5-217, MCA; (1 MT 5-11-112)
- to account for and pay the cost of legislator participation in the activities of organizations promoting interstate or international cooperation; (1 MT 5-11-112) and
- to account for and pay the cost of other legislative activities for which appropriations are made; (1 MT 5-11-112)

### Policy

- to support accomplishment of the duties assigned to interim joint subcommittees under 5-5-215, MCA, (1 MT 5-11-112) most importantly:
  - accumulation, compilation, analysis, and furnishing of information pertinent to important issues of policy and questions of statewide importance;
  - preparation of bills and resolutions for the next Legislature; and
  - maintenance of accurate records of the subcommittee's activities and proceedings;
- to support the Legislative Council in promoting the interstate and international cooperation goals established in 5-11-301, MCA, (2 MT 5-11-301) particularly:
  - carrying forward participation in the Council of State Governments and the National Conference of State Legislatures;
  - encouraging state government in developing and maintaining friendly contact with other states and levels of government including tribal governments, bordering Canadian provinces, and regions designated as sister states by the legislature;
  - to establish delegations to confer with similar delegations from other states, provinces, and countries; and
  - to advance cooperation with other units of government through suitable means; and
- to achieve the goals established by the authorizing legislation and committee action for other interim activities such as statutory and *ad hoc* committees the Council is assigned to support. (1 MT)

## FISCAL ANALYSIS AND REVIEW PROGRAM AUTHORIZATION:

Title 5, Chapter 12, MCA

Legislative Finance Act

## GOALS AND OBJECTIVES:

The goals of the Fiscal Analysis and Review Program are:

- Assist the legislature in the budget process;
  - analyze the Executive Budget and state fiscal condition prior to each regular and special legislative session;
  - provide staff assistance to the legislature throughout the appropriations process and on all matters of fiscal policy, to include generating the General Appropriations Act;
  - maintain implementation and historical records of legislative budget action, including the publishing of the post-session Legislative Fiscal Report.
- Estimate revenue from existing and proposed taxes;
  - provide data and recommendations concerning revenue estimates to the Revenue Oversight Committee, in compliance with 5-18-107, MCA;
  - provide staff assistance in the revenue estimation process and tax policy analysis during legislative sessions;
  - monitor and report on revenue collections, trends, and forecasts throughout the biennium.
- Provide for the fiscal analysis of state government and make reports as requested by the Legislative Finance Committee and the legislature;
  - prepare reports on significant fiscal issues to enable the Legislative Finance Committee and the legislature to formulate legislative fiscal policy.
- Assist legislative committees and individual legislators in compiling and analyzing fiscal information;
  - provide assistance to legislative committees as assigned by law, including the Legislative Finance Committee, Revenue Oversight Committee, Committee on Postsecondary Education Policy and Budget, and the SB 378 Study Committee;
  - respond to legislative requests for information on state fiscal and policy issues.
- Provide for statutory review of budget amendments, supplemental appropriations, private funds, and budget reductions as recommended by the Governor, as well as other statutory and appropriation bill language directives for fiscal review.
- Provide a pre-session analysis of the economic and fiscal conditions facing the next legislature, including revenue and budget projections for the general fund, and projected ending fund balances.
- Assist in maintaining and supporting a fiscally informed legislature;
  - provide clear and concise fiscal training and budget explanation material for legislators and the public;
  - prepare a fiscal "primer" for pre-session and other training opportunities.

## LEGISLATIVE AUDIT DIVISION AUTHORIZATION

Title 5, Chapter 13, MCA  
Article V, Section 10 (4) of the  
Montana Constitution

Legislative Audit Act  
Requires establishment of an Audit Committee to supervise  
auditing duties

### GOALS AND OBJECTIVES:

- The Legislative Audit Division, under the direction of the bipartisan/bicameral Legislative Audit Committee, provides the state Legislature and state agency directors and program managers with independent information regarding whether state agencies/programs:
  - Conduct only those activities and programs authorized by the legislature.
  - Make expenditures only in accordance with applicable laws and regulations.
  - Conduct programs effectively and efficiently.
  - Collect and account properly for all revenues and receipts.
  - Adequately safeguard and control assets.
- The division also provides whatever assistance may be requested by the Legislature, its committees and members. Through the issuance of audit reports, letters, and/or memorandums, the division makes comments, recommendations, and suggestions for the improvement of state agency operations and activities.

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## Consumer Counsel

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### ADMINISTRATION PROGRAM AUTHORIZATION:

Article XIII, Section 2 of the 1972 Montana  
Constitution

Title 5, Chapter 15, MCA

Title 69, Chapters 1-3, MCA

Creates the office of Montana Consumer Counsel

Legislature Consumer Committee and Consumer Counsel appointment  
and qualifications

Structure and organization of Public Service Commission, Consumer  
Committee, and Consumer Counsel; general regulatory provisions;  
regulation of utilities.

### GOALS AND OBJECTIVES:

- Provide for representation of Montana consumers in utility and transportation proceedings before the Public Service Commission;
- Represent Montana consumers in appropriate proceedings before the Federal Energy Regulatory Commission, Interstate Commerce Commission, Federal Communications Commission, and other federal administrative agencies;
- Provide for representation of Montana consumers in appropriate state and federal court proceedings;
- Initiate complaint proceedings and lawsuits for Montana consumers in instances involving quality and cost of services of regulated entities before appropriate administrative agencies or courts; and
- Monitor proposed legislation and participate in the legislative process before the legislature and U.S. Congress for Montana consumers.

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## Judiciary

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### SUPREME COURT AUTHORIZATION:

Article III, section 1; Article VII; and various other  
provisions of the Montana Constitution

Title 3, MCA, generally, and various statutory  
provisions throughout

## **GOALS AND OBJECTIVES:**

- The primary goal of the Supreme Court is to process all matters that reach the court for determination with as little delay as possible. (1 - MT)

## **SUPREME COURT BOARDS AND COMMISSIONS AUTHORIZATION:**

Article VII, Section 11 of the 1972 MT Constitution

Title 3, Chapter 1, part 11, MCA

Title 46, Chapter 18, part 9, MCA

Article VII, section 2 of the 1972 MT Constitution

Title 3, Chapter 1, MCA

Title 37, Chapter 61, Part 1, MCA

Article VII, Section 8 of the 1972 MT Constitution

Title 3, Chapter 1, part 10, MCA

Article VII, Section 2 of the MT Constitution

Title 3, chapter 1, part 15, MCA, 3-10-203 and 3-11-204, MCA; various Supreme Court Orders.

Article VII, Section 2 of the MT Constitution

Title 37, Chapter 61, MCA

Supreme Court Orders dated January 5, 1965 and August 22, 1979

## **GOALS AND OBJECTIVES:**

There are several Supreme Court Boards and Commissions that have been established either by legislative or constitutional mandate. These boards and commission handle areas such as judicial discipline, rules, admission to the bar, and various other substantive issues aimed at improving and maintaining the administration of justice. (1 - MT)

### Judicial Standards Commission

The Montana Constitution mandates in Article VII , section 11, that the legislature shall create a Judicial Standards Commission to investigate complaints and make recommendations regarding the conduct of judicial officers.

The commission is attached to the Supreme Court for administrative purposes only and is independent of the court.

- The major goal of the Judicial Standards Commission is to process complaints without delay while maintaining due process.

### Sentence Review Division:

The three judge Sentence Review Division is required to review felony sentences imposed in the various judicial districts throughout the state of Montana.

- The division's goal is to provide for effective and uniform administration of the review of sentences imposed on convicted felons in the state. Upon application by an inmate, the Sentence Review Division may increase, decrease, or affirm a prisoners sentence.

### Board of Bar Examiners:

The Board of Bar Examiners is an examining board that develops and conducts the examination of applicants for admission to the bar.

### Judicial Nominations Commission:

The seven-member Judicial Nominations Commission is required to provide the Governor with a list of candidates for appointment to fill any vacancy on the Supreme Court or District Court and to provide the Chief Justice of the Supreme Court with a list of candidates for appointment to fill any term or vacancy for the chief water judge.

The commission meets as necessary when a vacancy occurs or a term expires.

### Commission on Courts of Limited Jurisdiction:

The commission is responsible for recommending to the Supreme Court rules of practice and procedure designed to improve and make uniform throughout the state the practices of courts of limited jurisdiction. In addition, the commission organizes and oversees the training and certification of justices of the peace and city judges in the state of Montana.

The commission holds 6 to 10 meetings each year and conducts two annual training sessions for all elected and appointed justices of the peace and city judges.

### Commission on Practice:

The commission is charged by the Supreme Court with the responsibility of reviewing the operation of the lawyer discipline system in the state of Montana and in investigating complaints filed against members of the State Bar of Montana. The commission conducts hearings and formal disciplinary proceedings, administers admonitions, and makes disciplinary recommendations to the Supreme Court.

## STATE LAW LIBRARY AUTHORIZATION:

Title 22, Chapter 1, part 5, MCA

## GOALS AND OBJECTIVES:

The mission of the State Law Library is to provide bibliographical, physical, and intellectual access to recorded legal knowledge and information consistent with the present and anticipated research needs, responsibilities, and concerns of Montana's courts, legislature, state officers, and employees, members of the bar of the Supreme Court of Montana, and members of the general public.

- The library selects, acquires, and maintains resources consistent with its mission. It develops and promotes a quality program of resource sharing and alternative access in order to serve the needs of local and distant users and to support the cooperative efforts of libraries in general. It develops policies and procedures that will ensure the preservation and security of its physical collection and equipment.
- Library staff promote understanding of the library's research capabilities by teaching legal bibliography and methods of legal research. Access to materials other than those in the library collection is facilitated by providing interlibrary loan service and having an Internet presence. Space, equipment, and technology are maintained in a manner that will ensure operational efficiency, improve collection preservation, and respond to requirements for accessibility of users and staff.

## DISTRICT COURT OPERATIONS AUTHORIZATION:

Article VII, Section 4 of the 1972 MT Constitution  
Title 3, chapter 5, MCA

## GOALS AND OBJECTIVES:

The District Court Operations program provides partial funding for Montana's twenty-one Judicial Districts .

- The District Courts of the state are the general jurisdiction trial courts. They have original jurisdiction in all criminal felony and all civil matters and cases of law. Their goal is the speedy administration of justice consistent with the goal of due process of law. In addition, the District Courts have the goal of improving the administration of justice, facilitating disputes, and providing justice in accordance with the mandates of the Montana Constitution and statutory enactments of the Legislature. (1 - MT)

## WATER COURTS AUTHORIZATION:

Article IX, Section 3 of the MT Constitution  
3-7-101 et seq. MCA  
85-2-211 et seq. MCA  
43 U.S.C. 666  
85-2-228 MCA  
85-2-701 MCA

Water Rights  
Water Division and Water Judges  
Adjudication of Water Rights  
The "McCarran Amendment"  
Federal reserved rights  
Indian and Federal reserved rights

## GOALS AND OBJECTIVES:

To expedite and facilitate the general adjudication of approximately 215,000 pre July 1973 existing Montana water rights. The Court is also required to adjudicate pre July 1973 Indian and federal reserved water rights and post June 1973 federal reserved water rights.

- To continue adjudication of objections to the approximately 23,000 water rights claims (out of 96,000 claims decreed) that have been filed in the decrees for 45 basins.(1-MT)
- To issue Temporary Preliminary Decrees in Basins 43D (Clarks Fork of Yellowstone, 2,589 water right claims), 76HE (South End Subbasin of Bitterroot, 1,605 claims), 411 (Missoua above Holter Dam, 5,175 claims), and possibly 400 (Lower Milk River, 3,395 claims) and begin the objection process. (2-MT)
- To begin judicial confirmation proceedings on the Fort Peck-Montana (85-20-201, MCA) and Northern Cheyenne-Montana (85-20-301, MCA) reserved water right compacts, assuming congressional ratification is achieved. (3-MT and US)
  - Priorities set for the first two goals are based upon specific legislative mandates. In the Statement of Intent found in Ch. No. 651 L. 1987 (85-2-218, MCA), the 1987 Legislature established basin priorities and in 85-2-321 (2), MCA the legislature established the Milk River as the highest priority in the adjudication. No legislative priority mandate has been set for the third goal.
  - With respect to the third goal, the United State Senate passed S. 1607 ratifying the Northern Cheyenne-Montana Compact on August 7, 1992. The current bill authorizes the rehabilitation and enlargement of the Tongue River Dam and allows the tribe to loan the state \$11.5 million toward the cost of rebuilding the dam. The total project cost is estimated to be \$52.5 million

## **CLERK OF THE SUPREME COURT AUTHORIZATION:**

Title 3, Chapter 2, part 4, MCA  
Title 37, Chapter 61, part 2, MCA

## **GOALS AND OBJECTIVES:**

The Clerk of the Supreme Court assists the Supreme Court, the legal community, and the public in processing appeals and original proceedings plus stores and maintains the official records of the Supreme Court and collects fees.

- Process all documents and collect all fees relative to Supreme Court appeals and petitions for various writs, including writs of supervisory control, habeas corpus, post-conviction relief, and mandamus. Custodian of all Supreme Court records. (1-MT)
- Collection of the annual Attorney License Tax. Collected tax from over 3,300 attorneys in 1995. (2-MT)
- Processing state bar admissions and collection of relative fees. There were over 200 certified applicants in 1995. (3-MT)

## **DISTRICT COURT REIMBURSEMENT AUTHORIZATION:**

Title 3, Chapter 5, part 9, MCA

## **GOALS AND OBJECTIVES:**

Created by the 1985 Legislature to expand state assumption of certain expenses associated with criminal proceedings in Montana's District Court. The program reimburses eligible expenses in the following five categories:

- a percentage of court reporter salaries;
- the cost of transcripts of eligible criminal proceedings;
- psychiatric examinations in criminal proceedings;
- witness and jury expenses of criminal proceedings; and
- indigent defense expenses of criminal proceedings.

The program receives its revenue from a portion of the motor vehicle license tax.

If, after all county reimbursements are made, there is appropriation authority remaining, the balance must be awarded to counties in the form of grants based on demonstrated expenditures above maximum mill levies in the county. (1 - MT)

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## **MT Chiropractic Legal Panel**

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## **MT CHIROPRACTIC LEGAL PANEL AUTHORIZATIONS:**

Title 27, Chapter 12, MCA

Governs the operation of the Montana Chiropractic Legal Panel, a state agency administratively attached to the Montana Supreme Court.

## **GOALS AND OBJECTIVES:**

The panel exists to achieve the following goals and objectives:

- to review all malpractice claims or potential claims against chiropractic physicians and their employees in order to prevent, if possible, filed court actions against chiropractic physicians for professional liability; and
- to make possible the fair and equitable disposition of such claims that are reasonably well founded. (1-MT)

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## **Governor's Office**

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## **EXECUTIVE OFFICE AUTHORIZATION:**

### Executive Office of the Governor

MT Constitution  
Article VI, Section  
42-15-103, MCA  
2-15-201, MCA

Establishes the Governor as the chief executive officer of the state.  
Establishes policymaking authority and administrative powers of the Governor.  
Establishes powers and duties of governor.

## **GOALS AND OBJECTIVES:**

Serve as the chief executive officer of the state. Formulate and administer the policies of the executive branch of state government, and to supervise, approve, and direct all executive branch departments. (1-MT)

### Flathead Basin Commission

To protect the existing high quality of the Flathead Lake aquatic environment; the waters that flow into, out of, or are tributary to the lake; and the natural resources and environment of the Flathead Basin. (1-MT)

- Monitor existing conditions of natural resources in the basin and coordinate development of an annual monitoring plan.
- Encourage close cooperation between federal, state, provincial, tribal, and local resource managers. Encourage international cooperation between Montana and British Columbia in natural resource monitoring and use of consistent standards for management of resource development activities in the Basin.
- Encourage economic development in the Basin without compromising the present high quality of the region's aquatic environment.
- Undertake investigations of resource utilization and hold public hearings concerning the condition of Flathead Lake and Flathead Basin.
- Submit a biennial report to the Governor and the Legislature.
- To meet at least semi-annually within the Flathead Basin.

### Montana Consensus Council

To promote fair, effective, and efficient processes for building agreement on natural resource and other public policy issues important to Montanans.

### Governor's Mansion

Maintenance of the mansion as the official residence of Montana's chief executive.

### Governor's Airplane

Operation of the Governor's assigned aircraft in a manner most cost-efficient for the state, but still insuring safe operation of the aircraft.

## **OFFICE OF BUDGET AND PROGRAM PLANNING AUTHORIZATIONS:**

17-1-131 to 17-1-132, MCA

General duties of the budget director are defined to include other duties as the chief budget officer of the state.

17-7-101 to 17-7-132, MCA

The Budget Act provides that the governor shall appoint a budget director who may employ such other personnel as necessary to carry out the provisions of the act. The act generally prescribes the form, content, and time lines for budget development and pay plan proposal and submission to the legislature.

17-7-301, MCA

Authority of the governor to allow, following review and examination of the budget director, expenditures in the first year of the biennium from authority provided for the second year of a biennium for an executive branch agency.

17-7-401 to 17-7-405, MCA

The budget amendment process to add additional spending authority in federal, proprietary and state special revenue funds gives the governor or his designated representative the certification approval for all agencies except the university system and judicial and legislative branch agencies. Directs that all budget amendments shall be submitted through the budget director to the legislative finance committee.

5-12-401, MCA

Provides that the budget director determine the number of employees in each agency and gives the budget director the authority to amend the number of positions upon request of an agency.

2-18-204, MCA

15-24-1702, MCA

Directs that the office of budget and program planning consult about impacts to programs with a governing body considering suspending or canceling delinquent property taxes

13-27-312, MCA

Directs the budget director to prepare fiscal notes for ballot issues

5-4-201 to 5-4-206, MCA

Directs the budget director in cooperation with state and local agencies or officials to prepare fiscal notes on introduced bills having revenue, expenditure or fiscal liability impact on state or local government entities

## GOALS AND OBJECTIVES:

The Office of Budget and Program Planning is responsible for state fiscal planning and evaluation, appropriation control, personnel position control, and budget policy development, and implementation for the governor and state government.

- To respond quickly, competently, professionally and substantively to directives, initiatives, and research requests of the governor. (1-MT)
- To establish valid appropriations and provide policy guidance and state management memoranda to implement statutes and language governing appropriation authority. (1-MT)
- To start up the Statewide Budgeting and Accounting System and the Personnel/Payroll/Position Control System, tied to all appropriations bills and legislative intent at the beginning of each fiscal year. (1-MT)
- To oversee day-to-day management of appropriations and operating budget changes and to manage modifications to the authorized level of FTE (full time equivalent positions) for all state agencies. (1-MT)
- To improve, direct and oversee the budget development processes and to prepare, distribute and present the executive budget recommendations to the legislature. (1-MT)
- To provide expertise to legislative appropriation committees and to manage the fiscal note process for proposed legislation. (1-MT)
- To initiate policy and program directions and options for consideration within and among agencies, policy staff, legislators, special interest groups, and the general public. (1-MT)
- To participate in multi-agency management and policy groups and provide data and leadership related to budgets, revenue, and disbursements. (1-MT)
- To produce revenue and tax policy options for the governor's consideration, with thorough analysis of past trends and future impacts. (2-MT)
- To provide leadership for service efforts and accomplishments (SEA) measurement and reporting as related to executive budget recommendations and appropriations and to national standards. (2-MT)
- To review and approve the organizational structure of executive branch agencies. (3-MT)
- To maintain a clearinghouse for all federal funds received by the state and to coordinate agency input for the Single Audit. (3-MT)

## COORDINATOR OF INDIAN AFFAIRS AUTHORIZATIONS:

2-15-217, MCA  
90-11-102, MCA

Creates office of state coordinator of Indian Affairs.

Establishes duties of coordinator of Indian Affairs: to acquaint himself with the problems confronting the Indians of Montana, and advise the legislative and executive branches of the state of Montana of those problems and shall make recommendations for the alleviation thereof. He shall also serve the Montana delegation in the federal congress as an adviser and intermediary in the field of Indian affairs and shall act as spokesman for representative Indian organizations and groups, public and private, whenever his support is solicited.

## GOALS AND OBJECTIVES:

- Have a thorough knowledge of problems facing both Indians and the state with regard to Indian concerns and to advise the executive and legislative branch of the state of Montana on Indian matters. (1-MT)
- Act as a spokesperson for Indian organizations and groups, both public and private. (1-MT)
- Promote and establish state/tribal cooperative agreements. (1-MT)
- Provide technical assistance to Montana's tribes and state agencies relating to the development of coal, water negotiation, gambling negotiation, jurisdictional issues, etc. (1-MT)
- Assist Montana's Indian populace in employment and economic development. (1-MT)
- Promote good relations between Indian and non-Indian groups, organizations and governments. (1-MT)
- Serve the Montana delegation in the federal congress on Indian Affairs. (2-MT)

## LIEUTENANT GOVERNOR AUTHORIZATIONS:

2-15-301, MCA  
2-15-302, MCA

To create office of Lieutenant Governor.

General delineation of powers and duties of lieutenant governor.

## GOALS AND OBJECTIVES:

The Office of the Lieutenant Governor is responsible for performing the duties provided specifically by law, as well as those generally delegated to him by the governor (Article VI, Section 4, of the Montana Constitution). This office is responsible to serve as the liaison between state and local governments, provide support for gubernatorial appointments to boards, councils, and commissions, and serve as agricultural liaison between the executive and the Montana agricultural community.

- To perform those duties generally delegated by the Governor. These currently include: (1-MT)



- To chair and monitor, in a timely fashion, and call meetings of the Drought Relief Emergency Council.
- To work with local governments to enhance understanding and cooperation between state and local governments.
- To support the gubernatorial appointments to boards, councils, and commissions.
- To function in whatever manner necessary to help in addressing the severe financial and educational crises in Montana.
- To perform all duties of the governor's office in the absence of the governor.

#### **CITIZENS' ADVOCATE AUTHORIZATION:**

The Citizens' Advocate Office exists to provide accessibility to state government for Montana citizens. The office provides information to citizens and functions as a referral service for public comments, suggestions, and requests for information. A toll-free number is provided to the public for this purpose. The program is a discretionary function and has no specific statutory authorization.

#### **GOALS AND OBJECTIVES:**

- To quickly and efficiently resolve problems that constituents encounter in dealing with state government.
- To assist Montana citizens who are receiving state assistance such as food stamps, aid to families with dependent children (AFDC) and Medicaid, and the Low Income Energy Assistance Program. The recipients on public assistance call the Citizens' Advocate office with questions or problems concerning eligibility or treatment they received from any of the fifty-six county human service offices statewide.
- To have a data base in place which would enable the office to provide access to the most current information regarding state government.

#### **MENTAL DISABILITIES BOARD OF VISITORS AUTHORIZATION:**

53-20-101-165 MCA

Developmental Disabilities Act, 1975, requires active treatment and habilitation be individualized to persons with a developmental disability requiring institutional care. Establishes the Board as an independent board of inquiry and review to ensure that the treatment of all persons admitted to a residential facility is humane and decent and meets legal requirements. Treatment of the Seriously Mentally Ill (Mental Commitment and Treatment Act of 1975) requires individualized treatment for persons with a mental illness. The Act requires the Board to employ and be responsible for full-time legal counsel at Montana State Hospital, whose responsibility shall be to act on behalf of all patients at the institutions. The board shall insure that there is sufficient legal staff and facilities to insure availability to all patients and shall require that the appointed counsel periodically interview every patient and examine his files and records.

53-21-101-198 MCA

Mental Health Protection and Advocacy Act of 1986 requires investigation of abuse and neglect of mentally ill persons.

PL 99-319

#### **GOALS AND OBJECTIVES:**

- Review care and treatment of individuals at mental health facilities or residential facilities for developmentally disabled to assure active treatment and compliance with professionally accepted standards. (1-MT)
- Review and comment on any proposed plans for experimental research at facilities under the Board's purview. (1-MT)
  - Assist any patient at a facility in resolving rights related issues and/or grievances they may have regarding their commitment or treatment. (1-MT, 1-U.S.)
  - Provide legal counsel for the residents of Montana State Hospital. (1-MT, 1-U.S.)
  - Provide reports to the Governor's Office, the legislature and the Department of Public Health and Human Services regarding the status of treatment services reviewed; an overview of rights related issues and complaints. (1-MT)
  - Conduct on site reviews and make written reports of Eastmont Human Services Center, Montana Developmental Center, Montana State Hospital, Rivendell facilities and the Montana Mental Health Nursing Care Center by fiscal year 1999. (1-MT)
  - Conduct on site reviews and make written reports of the five community mental health center regions by fiscal year 1998. (1-MT)
  - Assist, respond and resolve consumer requests for assistance, rights related issues and complaints within fifteen days of their receipt (all community mental health centers and state institutions for persons who are developmentally disabled and mentally ill). (1-MT, 1-U.S.)
  - Prepare written reports for the Governor's Office, the Director of the Department of Public Health and Human Services and the reviewed facility within ninety days of the on site review. (1-MT)
- Represent patients at Montana State Hospital at their initial appearance, ninety day, six month and yearly commitment hearings and other related court appearances during their institutionalization. (1-MT)

- Prepare monthly written reports for the Governor's Office and the Board members regarding the activities of the Helena and Legal Services offices. (1-MT)
- Prepare a written report for the 1999 legislature regarding the treatment and conditions of mental health and developmental disabilities facilities. (1-MT)
- Provide information and referral regarding services, rights and treatment issues at state institutions and community mental health services within three days of request. (Many of these requests come from the Citizen Advocate office and other state agencies.) (1-MT)
- Complete investigations of abuse and neglect allegations at Montana State Hospital within five days of the notification. (1-MT, 1-U.S.)
- Yearly interview every patient and examine his file and records at the state hospital. (Required by the state statutes, this has required implementation of a system to monitor voluntary admissions, and provide for the interview of these patients.) (1-MT)

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## Secretary of State

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### SECRETARY OF STATE GENERAL ADMINISTRATIVE AUTHORIZATIONS:

Article VI, Section 2, Montana Constitution

The secretary of state shall be elected by the qualified electors at a general election provided by law.

Article VI, Section 4, Montana Constitution

The secretary of state shall maintain official records of the executive branch and of the acts of the legislature, as provided by law. He shall keep the great seal of Montana and perform any other duties provided by law.

Article X, Section 4, Montana Constitution

The secretary of state shall be a member of the Board of Land Commissioners.

References to the Montana Codes are not included because of the extensive amount of space required.

### GOALS AND OBJECTIVES:

#### Central Administration Unit:

Management Services staff are responsible for agency completion and management of fiscal and personnel systems, including:

- Budget preparation and submission;
- Budget execution and management;
- Payroll completion and submission;
- Personnel policy development, implementation and interpretation;
- Accounting and recording of receipts into state treasury and accounting system (SBAS); and
- Purchasing and property management functions.

Information Services staff are responsible for assisting in agency information systems development and for the administration of agency information system functions, including:

- Agency network development, operations, and maintenance;
- Agency planning and compliance with information systems policies adopted by the agency and state government;
- Agency information systems policy development, implementation, and interpretation;
- Information system coordination with agency customer groups; and
- Information system coordination with other state agencies.

#### Business Services Bureau:

The Business Services Bureau supports and maintains the function of providing the central filing and evaluation point for business filings as well as conducting and performing the office's responsibilities in connection with lien activities. Emphasis is on chapters 30 and 35, with special notations that these chapters deal with the performance of day-to-day commerce in Montana and the statutory controls contained in the Uniform Commercial Code. The bureau:

- Produces each year renewal information and forms that are mailed to businesses to facilitate the corporate annual renewal process and completion of over 40,000 business customers. BSB performs a variety of compliance processes to enable the proper registration of business entities. (1 MT)
- Reviews for legal compliance over 75,000 uniform commercial code documents and maintains a database of lien documents that is accessed by Montana's financial community. Requirements set forth the completion of the recording of all financing and continuation statements within one working day of receipt. (1 MT)
- Responds to over 50,000 requests per year for business filing and UCC information. Information requests have a primary emphasis on registration and filing requirements and in a majority of cases lead to the submission of a business filing to the office. (2 MT)

- Performs agency compliance and filing responsibilities in connection with assumed business names, limited liability companies, partnerships, trademarks, and trade names. (1 MT)
- Administers and resolves name contests that are filed with the office. (2 MT)

#### Administrative Rules Bureau:

The Administrative Rules Bureau is responsible for the maintenance of the official record of Administrative Rules for the State of Montana and for ensuring that agencies promulgating Administrative Rules comply with the Montana Administrative Procedure Act. The bureau:

- Supervises state agencies submitting draft administrative rules for publication and distribution to the Administrative Code Committee. (2 MT)
- Compiles, publishes, distributes, and maintains the "Montana Administrative Register" (MAR). The MAR is published twice monthly and is provided to subscribers in both the public and private sector. (1 MT)
- Compiles, publishes, distributes, and maintains the ARM. The ARM are published quarterly and are provided to subscribers in both the public and private sector. (1 MT)
- Provides research services and general information to public agencies and private individuals concerning ARM, MAR, Attorney General's Opinions, and state declaratory rulings. (2 MT)
- Develops and maintains cross reference between the Montana Code Annotated and the Administrative Rules of Montana. (3 MT)
- Performs and provides rule services within the Secretary of State's Office. (2 MT)

#### Records Management Bureau

Bureau staff are responsible for performing agency duties as they relate to the administration and management of the state's records management program. The bureau:

- Serves as the state's records manager and performs management functions as defined in legislation establishing program, to create an effective records management program for executive branch agencies of the State of Montana by establishing guidelines and procedures for the efficient and economical control, creation, utilization, maintenance, and preservation of state records. (1 MT)
- Provides advice and counseling to public bodies to ensure efficient and cost-effective records control and usage. (2 MT)
- Provides records storage and microfilm services in its role as the state records center. (1 MT)

#### Elections Bureau:

The Elections Bureau is responsible for administering and performing Secretary of State duties as they relate to elections, legislative, and notary functions. The bureau:

- Administers state election law as it applies to district, state, and federal candidates and ballot issues and provides information and training about election law to election administrators, the public, candidates, officeholders, and the press. (1 MT)
- Receives and assigns chapter law numbers to legislation; prepares the legislative roster and assists in calling the House to order; polls the legislature on post-session vetoes and calls for special sessions; and receives legislative journals and bills. (1 MT)
- Administers the law dealing with executive acts of the Governor and other state agencies. These functions include commissioning notaries public; issuing extradition papers; conducting service of process; commissioning board and advisory council members, and filing proclamations, orders, and other executive acts. (1 MT)
- Administers and maintains the archival records of all executive acts, miscellaneous public documents, election records, and legislative acts. (2 MT)

The Office of the Secretary of State operates as a single program, the Business and Government Services Program. The activities of the program related to the Elections Bureau and legislative activity are one of fourteen state programs participating in a performance-based budgeting (PBB) pilot project.

The proposed program goals and associated performance targets for each year of the 1999 biennium are as follows:

Goal 1: Provide open access to the election process.

#### Performance Measure/Target:

##### Increase voter registration

##### Target

Maintain the percentage of eligible, but non-registered Montanans

87.5 percent after each presidential election (Subject to revision if the 1997 Legislature brings the State of Montana into compliance with the National Voter Registration Act of 1993 and amends the current purge procedure.)

Train election administrators

Have 50 of 56 counties attend biennial workshop

Establish a mechanism to monitor voter registration duplication at the state level

Have a plan set by January 1, 1998

Have signed legislation of the 1997 Legislature available for the public and state agencies.

70 percent in either electronic or hard copy within three days of receipt by the Secretary of State

Have at least the basic information, name, office, and party, for all state, district, and legislative candidate filings

On the Internet within three days of filing

Have options for increasing voter turnout including alternatives to polling place voting, such as vote-by-mail, vote-by-telephone, and making use of the opportunities presented by the Internet

Report to the 1999 Legislature

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## Commissioner of Political Practices

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### ADMINISTRATION PROGRAM AUTHORIZATIONS:

Title 13, Chapter 35, MCA	Election and campaign practices and criminal provisions
Title 13, Chapter 36, MCA	Contests
Title 13, Chapter 37, MCA	Control of campaign practices
Title 5, Chapter 7, MCA	Lobbying
Title 2, Chapter 2, part 1, MCA	Code of Ethics

### GOALS AND OBJECTIVES:

- To assist candidates, committees, lobbyists and their principals in preparing, amending and filing reports to ensure their compliance with campaign finance and lobbying laws.
- To audit or review for compliance with statutory reporting requirements, all documents filed with the office by candidates, political committees, lobbyists, their principals, statewide and state district elected officials, and department directors.
- To publish at the end of the election cycle a compilation of campaign finance reports of each receipt and expenditure for individual statewide and state district candidates, statewide ballot issue committees, and Montana-based political committees.
- To investigate all legitimate complaints of alleged violations of campaign finance and practice laws and lobbying laws and to conduct hearings to resolve complaints of alleged violations of the Code of Ethics.
- To enforce campaign finance and practice laws, lobbying laws and the Code of Ethics for state employees, state elected officers and legislators.
- To assist the public in accessing all reports filed with this office and to provide information to the public with printed material, speeches and media coverage.

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## State Auditor

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### CENTRAL MANAGEMENT PROGRAM AUTHORIZATIONS:

Article 6, Section 1 of the Montana Constitution	Constitutional authority for the state auditor
Title 2, Chapter 16, MCA	Public Officers
Title 17, MCA	State Finance
17-1-123, MCA	Access to Offices
Title 17, MCA	Federal Assistance Management
17-3-211, MCA	Forest Reserve Money
17-3-212, MCA	Apportionment to Counties
17-3-213, MCA	Allocation
Title 19, MCA	Police and Firefighters' Retirement
Title 19, Chapter 9, MCA	Municipal Police Officers' Retirement System
Title 19, Chapter 13, MCA	Firefighters Unified Retirement System
Title 19, Chapter 17, MCA	Volunteer Firefighters' Compensation Act
Title 19, Chapter 18, MCA	Firefighter's Retirement

**GOALS AND OBJECTIVES:**

- Provide accounting functions to all divisions of the office in accordance with generally accepted accounting principles and in compliance with state and federal laws and regulations. (1-MT)
- Develop and implement policies for the procurement of equipment and supplies and maintain an inventory system. (3-MT)
- Coordinate the preparation and submission of the biennial budget request and the annual budget allocation. Assist management in monitoring budgets for compliance with legislative intent. (1-MT)
- Implement automated systems to allow information access and accurate reporting and projection. Provide computer systems support. (1)
- Provide personnel services regarding recruitment and selection and disciplinary actions. Assist in personnel policy development and the department affirmative action plan. Ensure that payroll is processed in a timely manner. (2-MT)
- Provide word processing and receptionist support for the office. (2)
- Process and deliver all incoming/outgoing mail. (3)
- Monitor subrecipient counties that receive federal forest reserve monies. (2-US, MT)

**INSURANCE PROGRAM AUTHORIZATIONS:**

Title 2, Chapter 16, MCA  
Title 17, MCA  
Title 33, MCA  
Title 44, Chapter 5, MCA

Public officers  
General duties of the state auditor  
Insurance and insurance companies  
Criminal justice information

**GOALS AND OBJECTIVES:**

- Handle inquiries and complaints, which in many cases requires the determination of facts and review of the insurance code. (2-MT)
- Prepare legal administrative actions on complaints and investigations. This involves the organization and formatting of documents and review of the applicable law. (3-MT)
- Provide consumer education to the Montana insurance public, which includes preparing buyers guides, writing speeches and answering questions by the public. (2-MT)
- Monitor the marketplace to identify events or trends that pose a threat to consumers.
- Specifically monitor insurers and producers to ensure that they are complying with Title 33 of the Montana Code Annotated. (1-MT)
- Record complaint data. (3-MT)
- Review and authorize new insurance companies, ensuring that they have the statutory minimum requirements in capital and surplus, the proper management and claims paying people and that the company's rates and forms filing is in order. (1-MT)
- Examine domestic insurers every three years and foreign insurers as often as necessary. (1-MT)
- Conduct desk audits of the annual statements of all domestic insurers. (1-MT)
- Receipt and record premium taxes, retaliatory taxes, company fees and permits, firemen's pension tax, fire marshal tax, and genetics program fee. (1-MT)
- Review reinsurance agreements, domestic stock and domestic mutual companies, farm mutuals, fraternal benefit societies, premium finance companies, third party administrators, consultants, purchasing groups, and risk retention groups. (3-MT)
- Review and approve forms and endorsement filings, prior to their use in Montana. Ensure that rate filings are filed together with supporting data. (2-MT)
- Ensure that Medicare supplement insurers will comply with minimum requirements for loss ratios. (1-US and MT)
- License resident and non-resident insurance producers, vending machines, motor club representatives and adjusters and ensure that the applicant meets the insurance code qualifications and is of sound moral character. (1-MT)
- Ensure that pre-licensing and testing of insurance producer applicants is conducted pursuant to Montana laws and rules. (3-MT)
- Receipt and record resident and non-resident, surplus lines, and adjuster fees and other permits. (1-MT)
- Record letters of appointment and termination and issue letters of clearance, certification and retaliatory agreement. (2-MT)
- Protect consumers and improve the professionalism of insurance producers and consultants through a continuing education program. Provide continuing education course certification and assurance that producers and consultants meet their continuing education requirements. (1-MT)
- Inspire fair dealing in the auto glass market by insurance companies. (1-MT)
- Facilitate the detection of insurance fraud and reduce the occurrence of insurance fraud through the development of fraud prevention programs, improved investigative and prosecutorial services, and increased consumer awareness. (1-MT)

**SECURITIES PROGRAM AUTHORIZATIONS:**

30-10-201, MCA

Registration of persons and firms

30-10-209, MCA  
 30-10-202, MCA  
 30-10-203, MCA  
 30-10-204, MCA  
 30-10-205, MCA  
 30-10-206, MCA  
 30-10-209, MCA  
 30-10-304, MCA

Fee collection  
 Registration of security issues required  
 Registration of security issues by notification  
 Registration of security issues by coordination  
 Registration of security issues by qualification  
 Security issues registration in general  
 Fee collection  
 Investigative discretionary authority

## GOALS AND OBJECTIVES:

- Protect investors and persons engaged in securities transactions.
  - Conduct civil and criminal investigations into cases of suspected securities fraud and registration violations, make determinations on the administrative level, refer criminal cases to county attorneys for criminal prosecution and cooperate with state and federal law enforcement and regulatory agencies. (1-MT)
- Encourage capital formation.
  - Administer the process of securities registration for small business. Counsel small businesspersons and entrepreneurs on the most practical methods to comply with securities registration requirements. (1-MT)
- Review securities registration applications for conformity with rules, statutes, and policies.
  - Review 7,500 issuer applications annually to permit issuers to offer over \$1 trillion in securities in Montana. (1-MT)
- Register securities broker-dealers, salespeople, investment adviser and investment adviser representatives. Monitor the securities and investment adviser industries.
  - Annually review new and renewal applications of 800 broker-dealers, 17,000 salespersons, 200 investment advisers and 500 investment adviser representatives. (2-MT)
  - Conduct examinations of regulated entities to ensure compliance with rules and statutes. (1-MT)
  - Investigate consumer complaints arising from securities transactions. (2-MT)

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## Superintendent of Public Instruction

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### SUPERINTENDENT OF PUBLIC INSTRUCTION AUTHORIZATIONS:

10.44.101 through 107, ARM  
 10.44.201, ARM  
 10.44.202 through 210, ARM  
 10.55.109, ARM  
 10.55.802, ARM  
 10.55.803(b), (c) and (h), ARM

10.55.1601(g), ARM

10.66.101 - 10.66.106 ARM

13.118  
 20 CFR 32

20 CFR 626  
 20 CFR 627  
 20 CFR 629

20 CFR 630  
 20 CFR 634-684  
 26 CFR

29 CFR 31

29 CFR 32

34 CFR 74 through 79  
 34 CFR 76, 77, and 298

State administrative requirements Vo-Ed  
 General requirements Vo-Ed  
 Special requirements for Vo-Ed programs  
 Accreditation standard prohibiting discrimination by any district  
 Accreditation standards - opportunity and educational equity  
 Accreditation standards - learner access Native American needs, cultural differences, special needs.  
 Accreditation standards - nurture understanding of Native American cultures.  
 Regulations/rules established for GED Testing Program in Montana and authority for issuance of high school equivalency certificates.  
 Catalog of Federal Domestic Assistance  
 Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance.  
 Introduction to regulations Under the Job Training Partnership Act  
 State responsibilities under the Job Training Partnership Act  
 General provisions governing programs under Titles I, II, and III of the Job Training Partnership Act  
 Programs under Title II of the Job Training Partnership Act  
 Implementing regulations for programs under JTPA  
 Implementing regulations for the Targeted Jobs Tax Credit of the Internal Revenue Code  
 Equal Opportunity in Employment in programs and activities receiving or benefiting from federal financial assistance  
 Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance  
 Education Department General Administrative Regulations  
 Federal, State and Local Partnership for Educational Improvement

34 CFR 80, 81 and 85	Education Department General Administrative Regulations, (EDGAR)
34 CFR 81	Administrative responsibilities of Grantee
34 CFR 104	General Education Provisions Act - Enforcement; Notice of Proposed Rule making
34 CFR 200 & 204, 201, 203, 116B Chapter 1	Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance
34 CFR 300	Program for Local Educational Agencies, Migrant Children, Neglected and Delinquent Children, State-operated Programs for Handicapped Children
34 CFR 401.19	Assistance to States for Education of Children
34 CFR 401 & 407-412, & 414-417	Assurances of coordination with programs under the Job Training Partnership Act
34 CFR Part 425, et al. Part VIII	Federal Vo-Ed Regulations
40 CFR 763	Asbestos in Schools
40 CFR 702 through 799	Toxic Substance. Federal Asbestos Regulations for Schools
75.2-75.217 CFR	State Educational Agency Desegregation Program
CFR Part A 548.1-548.4	Bilingual Education: State Educational agency Program
2-18-104 MCA	Authorizes the Superintendent up to 15 personal staff
17-1-102 MCA	Uniform Accounting System and Expenditure Control
17-2-103 MCA	Segregation of Moneys
17-3-111 MCA	Indirect Cost Rates
17-7-111 MCA	Agency Program Budgets
20-2-121	Board of Public Education-rules (#10)
20-3-103 MCA	Authorizes the Superintendent to employ a Deputy Superintendent
20-3-104 MCA	Authorizes the Superintendent to employ one or more Assistant Superintendents plus "any other supervisors or assistants to carry out the duties of his office."
20-3-105 (5) MCA	Powers and Duties of the State Superintendent—Preserve all books, educational media... and any other articles of educational interest...
20-3-106 MCA (through 124)	Supervisor of Schools—Powers and Duties. Collect and maintain a file of curriculum guides and assist schools with instructional programs
20-3-107 MCA	Controversy appeals
20-3-108 MCA	Division of Resource and Assessment account
20-4-101	System and definition of teacher and specialist certification
20-4-102	Board of Public Education Policy
20-4-103	Issuance of teacher of specialist certificate
20-4-106	Classification of teachers and specialist certificates
20-4-108	Terms of teacher and specialist certificates - renewal
20-4-110	Suspension, revocation, and denial of certificate - appeals
20-4-111	Emergency authorization of employment
20-4-121	Interstate agreement on qualification of educational personnel
20-4-122	Designated official for purposes of interstate agreement
20-4-123	Preservation and publication of contracts made pursuant to interstate agreement
20-5-314	Execute reciprocal attendance agreement with other states and provinces
20-6-311	High school district boundary approval
20-6-505(4)	Approval of opening of junior high schools
20-7-101 MCA	Responsibility to recommend accreditation standards
20-7-102	Accreditation of schools
20-7-104 MCA	Responsibility to provide instructional assistance
20-7-113 MCA	Responsibility to maintain curriculum guide files and publish curriculum guides
20-7-131 MCA	Responsibility to issue secondary equivalency certificates
20-7-201 MCA	Libraries. Authority of Superintendent of Public Instruction in maintenance and operation of library and audio visual library
20-7-3-1 MCA	Responsibility for K-12 vocational education, including state plan, establish standards for courses and programs, review process for establishment and deletion of programs, instructor qualifications, course criteria, apportion monies, and evaluate programs
20-7-301 MCA	Duties of the Superintendent of Public Instruction (Vo-Ed)
20-7-302 MCA	Duties of the State Director of Vocational Education
20-7-303 MCA	Authorization to Establish and Maintain Vocational Education Courses and Programs

20-7-305 MCA and 306	Funding for Secondary Vo-Ed Programs
20-7-403 MCA	Responsibility to administer special education, (14 specific tasks)
20-7-422 MCA	Out-of-State Tuition for Special Education Children (Temporary)
20-7-431 MCA	Allowable Cost Schedule for Special Programs. Requirement for the Superintendent to make rules and account for special education expenditures by reviewing and approving all special education budgets
20-7-443 MCA	Financial Assistance for Under Six-Year-Old Special Education
20-7-457 MCA	Funding Provisions for Special Education Cooperatives as Joint Boards
20-7-502 MCA	Requirement to develop, administer and supervise the state traffic education program, (8 responsibilities)
20-7-503	District establishment of a Traffic Education Program
20-7-504	State Traffic Education Account - proceeds earmarked for the account
20-7-506 MCA	Annual allocation and distribution of Traffic Education Account proceeds- allocation for state administration
20-7-604 MCA	Requirement to license all textbook dealers
20-7-712 MCA	Requirement to manage adult basic education by directing the distribution of funds appropriated by the Legislature
20-7-903 MCA	Responsibility to propose rules and approve programs for gifted and talented children
20-7-1001 MCA	Responsibility to promote and encourage telecommunications in education
20-9-102 MCA	Responsibility for general supervision over the school budgeting procedures and provisions
20-9-103 MCA	Responsibility for school budgets forms
20-9-163	Approval of school district budget amendments
20-9-166	Approval of state aid for budget amendments resulting from increased enrollment
20-9-202(3)	Approval of school isolation status
20-9-311(8)(iii)	Approval to desegregate ANB
20-9-321 MCA	Maximum General Fund Budget and Contingency Funds for Special Education (Temporary)
20--9-343	Superintendent to manage the state equalization aid account
20-9-346 MCA	Responsibility to administer distribution of state equalization aid, (6 responsibilities)
20-9-347	Responsibility to administer distribution of BASE aid special education allowable costs
20-9-351	Responsibility to request supplemental appropriation to fully fund base aid
20-9-369 MCA	Responsibility to administer distribution of guaranteed tax base aid
20-9-532 MCA	Responsibility to administer retirement equalization aid
20-9-603 MCA	Requirement for the Superintendent to apply for and accept federal funds
20-10-20	Acceptance, expenditure, and administration of federal school food service monies
20-10-103 MCA	Responsibility to set certification standards for school bus drivers
20-10-112 MCA	Responsibility to administer and supervise the school transportation program (8 duties including the approval of all bus routes and transportation contracts and disbursement of funds)
20-10-141-142 MCA	Reimbursement by Mileage Rates
20-10-145 MCA	State Transportation Reimbursement
20-10-201 MCA	Responsibility to administer a school foods program
20-10-202	Records, reports, reviews and audits
20-10-203	School food commodities
20-10-204	Duties of trustees
20-10-205	Allocation of federal funds to school food services fund for federally connected, indigent pupils
20-10-206	Pupils in state institutions included
20-10-207	School Food Services Fund
49-2-307 MCA	Freedom from discrimination in education
53-2-1110 MCA	Coordination of Job Training and Employment Programs - Review of Job Training Plans
61-2-401	Motorcycle Safety Promotion. See Goals above
61-2-402	Motorcycle Safety Advisory Committee. Establishes a committee to advise the Superintendent on motorcycle safety issues



61-2-403	Standards for Motorcycle Safety Training. Establishes minimum standards for training based upon Motorcycle Safety Foundation standards
61-2-404	Motorcycle Safety Training Course Fees. Authorizes charging of fees and contracting for motorcycle training throughout the state
61-2-405	Motorcycle Registration Fee. Establishes a \$2.50 fee on each motorcycle registered for licensing
61-2-406	Motorcycle Safety Training Account. Establishes an account to receive revenue collected from motorcycle registrations
75-2-502 and 503, MCA	Asbestos Control
Article VI, Sect 1 MT Constitution	Authorizes an elected Superintendent of Public Instruction
Article VI, Sect 4, MT Constitution	Authorizes the Superintendent up to 15 personal staff
Article X MT Constitution	Guarantee of equal education opportunity and freedom from discrimination in education
Article X, Section 1	Guarantee of equality of educational opportunity and the American Indians
Article X, Sect 4 MT Constitution	Establishes the Superintendent as a member of the Land Board
Article X, Sect 9(b)MT Constitution	Establishes the Superintendent as an ex-officio member of the Board of Education, Board of Regents, Board of Public Education
P.L. 74-320, P.L. 75-165, P.L. 79-396, P.L. 81-439, P.L. 91-665, P.L. 84-540, P.L. 85-931, P.L. 86-756, P.L. 89-321, P.L. 90-302, P.L. 93-288, P.L. 93-326, P.L. 94-105, P.L. 95-113, P.L. 95-478, P.L. 95-627, P.L. 99-198, P.L. 100-237.	Food Distribution
P.L. 88-352 Title IV and Title IX of the Civil Rights Act of 1964.	Highway Traffic Safety Grants and Local Assistance. Reduce highway traffic injuries and death
P.L. 89-564	
P.L. 89-642	State Administrative Expense Funds
P.L. 92-318	Technical assistance for desegregation of public schools
P.L. 93-638	Indian Self-Determination and Educational Assistance Act of 1975 (Public Law 93-638 88 Stat.2203)
P.L. 94-467, 97-129, 98-80, 98-620, 99-419, 100-418, 100-551	Toxic Substance Control Act
P.L. 95-166	
P.L. 97-300 (as amended)	Nutrition Education and Training Program
	Job Training Partnership Act (Section 123 - State Education Coordination Grants)
P.L. 98-524 (as amended)	Carl D. Perkins Vocational Education Act - Coordination with programs under the Job Training Partnership Act
	Summer Food Service Program
P.L. 99-500 - Sec. 326, and 99-591, P.L. 97-35, P.L. 96-499, P.L. 95-627, P.L. 95-166, P.L. 91-248	
P.L. 99-519	Asbestos School Hazard Abatement Act of 1984
P.L. 99-570	Drug-Free Schools and Communities Act of 1986
P.L. 100-297	Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988
P.L. 100-323	Veterans Employment Training and Counseling Amendments of 1988
P.L. 100-690	Amendments of 1989
P.L. 100-77	Stewart B. McKinney Homeless Assistance Act Title VII, Subtitle B - Education of Homeless Children and Youth
Title 2, Chapt. 18, MCA	Employee Classification system, Leave administration, etc.
Title II	Mathematics and Science Education Programs Reauthorized as the Dwight D Eisenhower Mathematics and Science Education Act
Title 20 - Education Chapter 9 - Finance.	Gives the State Superintendent general supervisory authority over school financial administration provisions
Title 20 MCA	General statutory provisions governing Schools; establishes responsibilities of the Superintendent
Title 38, USC Veterans Benefits, Chapters 30, 32, 34, 35 (Montgomery G.I. Bill/Active Duty).	Public Employee Collective Bargaining, Unfair labor practices, etc
Title 39, Chapt. 2, MCA	
Title 39, Chapt. 30, MCA	Wrongful discharge.
Title 39, Chapt. 31, MCA	Veteran and Handicap Preference
Title 49, Chapter 2, MCA	Discrimination in employment, generally

Title 49, Chapter 3, MCA

Discrimination in Government services and employment Fair Labor Standards Act - Governs overtime and compensatory time

Title 77 MCA

Establishes the duties of the Land Board

Title IV, Part A, Subpart 6

Higher Education Amendments, 1986 as amended. Senator Robert C. Byrd Honor Scholarship Program

Title IX

Educational Amendments to the Civil Rights Act prohibiting discrimination in educational programs and activities receiving federal funds

Title 10. USC

Educational Assistance for Members Chapter 10 of the Selective Reserve Requires that services provided for handicapped Section 1400-1485 children be rendered by qualified professional staff in each individual discipline

20 USC (EHA)

The Education for All Handicapped Children Act of 1975 As Amended

20 USC Sec. 1400-1485 (EHA)

Equal Pay Act - Prohibits pay differentials based on sex

29 USC 201 et seq.

Prohibits Age discrimination

29 USC 621 et seq.

Rehabilitation Act - Prohibits discrimination against the handicapped

29 USC 791

## GOALS AND OBJECTIVES:

Administer all federal and state contracts, grants and provisions of law to the best of our ability and with the resources available. To assure the best possible educational opportunities for the people we serve.

### Montana State Approving Agency:

Meet the terms and conditions of its annual contract with the U.S. Department of Veterans Affairs. (1) (United States Department of Veterans Affairs Contract - Section 1775-1776 Title 38 United States Code)

- Submit performance standards for program operations.
- Prepare and follow a school visitation schedule.
- Provide technical assistance to all approved educational institutions in the state.
- Assist non-approved programs to meet the criteria for approval.
- Develop and implement a staff development program.

### State of Montana GED Program:

Administer the GED Testing Program in Montana to the best of our ability with the resources available according to the policies/procedures established by the GED Testing Service (GEDTS) of the American Council on Education (ACE) and in compliance with the administrative rules governing the high school equivalency program in Montana. (GED Examiner's Manual, American Council on Education; ARMs 10.66.101 - 10.66.106) [(1) (MT)]

- Serve as liaison between GED Testing Service of the American Council on Education and the official GED test centers operating in Montana.
- Coordinate annual GED contracts between GEDTS/ACE and the official GED test centers operating in Montana. Establish new test centers as needed. Supervise/monitor existing test centers for compliance with GEDTS. policies/procedures and state administrative rules and correct deviations.
- Provide inservice opportunities to test center personnel as resources allow.
- Develop new testing policies and periodically review, edit, and update existing Montana testing policies (ARMs).
- Operate and serve as official test center for state institutions, one job corps center, and arrange for test accommodations as warranted for disabled clients statewide.
- Manage coordination/scheduling of essay operational topic component for Montana's GED Test Centers.
- Provide/manage service of central scoring and record maintenance for state's GED testing program.
- Develop/implement technological enhancements to Montana's GED program to better serve clients and test center operations.
- Cooperate/prepare/present GED statistical report data for GEDTS, Montana Board of Public Education, Adult Basic Education Program, local GED test centers, and other interested agencies.

### Homeless Children:

Every child of a homeless family and each homeless youth shall be provided the same opportunities to receive free, appropriate education services as children who are residents of the state. (1)

- Increase public awareness of educational problems of the homeless
- Coordinate all state and local services
- Provide direct services to schools and service providers
- Review and attempt to revise all relative state laws
- Gather and report accurate data as required by Congress and the Department of Education.

#### Adult Basic Education:

Montana will provide basic academic services to about 6,000 adults in more than 25 sites. [(1) (US/MT) (State of Montana Code Annotated 20-7-701 through 20-7-714) and (Federal Adult Education Act Public Laws 100-297 and 102-73 and the appropriate federal rules and regulations).

Provide teacher requested in-service and special demonstration projects. (1)

- Provide summer in-service training.
- Provide scholarships for attending professional meetings and related activities.
- Cooperate with other agencies in data collection projects.
- Develop integrated computer communications.

Provide technical assistance to literacy providers. (2)

- Maintain center as a depository for professional literature and materials.
- Through electronic mail hookups, use bulletin board programs -PSInet and OTAN
- On-site technical assistance/evaluation visits.

Improve ABE instruction and program management through evaluation and data analysis. (1)

- Establish evaluation methods relative to data collection requirements
- Use third party evaluation team.
- Collect, analyze, interpret and act on statistical data collected.

#### **GOAL AND OBJECTIVES:**

##### Central Services

- Provide accounting services to all OPI divisions, accounting and reporting all transactions in accordance with generally accepted accounting principals and in compliance with state and federal requirements by (1-MT/US)
  - Processing payments to vendors in a timely fashion.
  - Preparing the biweekly payroll
  - Recording and depositing revenues received.
  - Billing for services and goods provided.
  - Preparing the office's federal indirect cost plan.
  - Preparing fiscal reports and financial statements as required by federal regulations and the legislature.
  - Managing cash balances to allow for timely payment of expenditures and compliance with federal regulations.
- Coordinate the preparation and submission of the biennial budget request and the annual budget allocation and assist management in monitoring budgets for compliance with federal grants and legislative intent by (1-MT/US)
  - Preparing and presenting the biennial budget request in accordance with state requirements.
  - Planning and directing the allocation of both office operations and flow-through appropriations.
  - Preparing a quarterly analysis of budget balances.
  - Providing information, training and assistance to division administrators and other budget managers within OPI.
- Provide wordprocessing and mail support to office staff by (2-MT)
  - Completing the more complicated graphics and lengthy report requirements for staff to complete their projects.
  - Completing routine typing assignments
  - Maintaining a mailing list of school officials utilized by all staff and printing labels for mass mailings.
  - Publishing an annual Directory of Montana Schools.
  - Sorting and delivering all mail to/from staff and central mail twice each day.
- Developing and implementing policies and procedures for the purchase and inventorying of equipment by (3-MT)
  - Providing purchasing assistance and information to staff.
  - Recording the acquisition, disposal and transfer of office property.
  - Inventorying all property annually.

#### **GOALS AND OBJECTIVES:**

##### Superintendent's Office

- Develop and maintain for the children in Montana the best K-12 public education system in the nation (1) MT
  - Secure adequate funding for K-12 education to meet accreditation standards
  - Update certification standards to reflect current education practices and standards
  - Recommend accreditation standards to the Board of Public Education and develop cutting-edge academic strategies to prepare today's school children for tomorrow's challenges
  - Assist school districts and teachers in achieving those standards with every resource available to the office.
- Ensure the effective distribution of various state funding in support of K-12 education in Montana (2) MT
  - Distribute over \$400,000,000 in state foundation and Guaranteed Tax Base support to 494 school districts with no material audit exceptions.
  - Provide timely and accurate budget and expenditure information to the legislature and the general public concerning K-12 education in Montana

#### Data Processing

- Provide computer support and services for the office's local area network by (1-MT)
  - Acquiring, installing, configuring and repairing as necessary all PC hardware and software systems.
  - Managing and supporting the offices's internal computer network systems.
  - Developing, programming, supporting and upgrading customized PC programs unique to OPI operations.
  - Providing training to staff in the use of office PC systems.
  - Ensuring the office's computer system is secure and protected from unauthorized access and viruses.

#### School District Accounting & Budgeting

- Assist school districts in preparing their annual budgets in accordance with state law, in maintaining their accounting records in accordance with generally accepted accounting principles and in preparing accurate, timely financial reports (1-MT).
  - By presenting accounting/budgeting workshops each year to an audience of 400 school district and county officials and auditors in seven regions across the State.
  - By providing forms, instructions and written policy guidance and by updating and maintaining the School Finance Manual as a current resource, available to all district and county officials for their use when budgeting, accounting for and reporting the results of districts' financial affairs.
  - By providing timely and accurate answers to questions and requests for assistance received in person, by mail and by telephone from school district clerks, district superintendents, county superintendents, county treasurers, and local government auditors.
  - By developing, implementing, maintaining and upgrading a system for the electronic transmittal of data between OPI, school districts and counties.
- Monitor and enforce district and county compliance with state law to ensure that state payments of more than \$450,000,000 to school districts for special education costs, equalization aid, transportation aid, and guaranteed tax base aid are timely and correct and that local taxes levied to fund schools are assessed properly on district/county taxpayers (1-MT)
  - By reviewing, analyzing, editing and, as necessary, correcting annual budgets and year-end financial reports received from 530 school districts/cooperatives and 56 counties.
  - By each month distributing state aid to 56 counties for 530 school districts/cooperatives on time and with no material audit exceptions.
  - By providing timely and accurate budgeting information and data to districts.
- Monitor and enforce district compliance with State and Federal single audit requirements (2 - MT/US),
  - By reviewing 200 district audits reports and corrective action plans each year.
  - By approving district indirect cost rate applications.
- Prepare accurate and timely fiscal reports required by the legislature, the National Center for Education Statistics and the U.S. Census Bureau (3 - MT/US),
  - By summarizing and "crosswalking" financial information received from Montana's 495 school districts.
  - By submitting the Common Core Data report as required in March and September of each year,
  - By attending the annual NCES conference.

#### Teacher Education and Certification Division Certification Services:

- To process all requests for information on, and applications for Montana certification of teachers, school administrators and educational specialists. (1-MT)
- To maintain and manage approximately 23,000 active certification files and over 100,000 inactive certification files. (1-MT)
- To process approximately 6,000 applications per year for initial certification, renewal of licenses or reinstatement of licenses. (1-MT)
- To provide information and documentation to the Board of Public Education on all appeals to the denial of certification by this office. (2-MT)
- To pursue reports of incidents which may warrant recommendations from the Office of Public Instruction to the Board of Public Education for the revocation or suspension of a Montana teacher, administrative or specialist certificate.(1-MT)
- To review all reports of suspended and revoked teaching certifications from a national network and take action to support our request to the Board of Public Education for the suspension or revocation of any Montana certified persons who may appear, and to screen all applicants against this same file to deny certification to any who appear on this listing. (1-MT)
- To interpret certification rules to higher education faculty and administration, to school officials, certified personnel, and the public in general. (2-MT)
- To recommend changes in certification rules to the Superintendent of Public Instruction for consideration by the Board of Public Education. (3-MT)

#### Teacher Education Services

- To arrange for and coordinate the review of teacher education programs through a five year cycle on eight higher education campuses where teacher preparation is an approved program. (1-MT)
- To compile the recommendations of review teams assigned to the review of teacher education programs and arrange for the recommendations for approval, provisional approval or non-approval be presented for action to the Board of Public Education. (1-MT)
- To coordinate the follow-up review of all teacher education programs where programs are given provisional approval and arrange for the presentation of recommendations of approval or non-approval to the Board of Public Education. (1-MT)

- To present the Board of Public Education with recommendations from numerous committees involved in the review of teacher education program standards for implementation in 1996. (2-MT)
- To meet with deans and chairs of teacher education programs in Montana and with teacher education faculty, administrators and teachers relative to teacher education program standards and the procedures for reviews for the purpose of training them for participation in this activity. (3-MT)
- To participate in national accreditation coordination and review of Montana teacher education programs as scheduled within the review cycles. (3-MT)
- To recruit, train and maintain a files on a cadre of educators to participate in the review of teacher education programs in accordance with adopted procedures. (3-MT)

#### Education Technology

- To continue development and operation of the Montana Educational Telecommunications Network for use by Montana educators in K-12 and the University System.
  - Continued operation and development of the 16 METNET Electronic Bulletin Board system nodes for use by Montana educators.
  - Continued efforts in the operation and expansion of distance learning programs involved in the Star Schools Program and the Northwest Star Schools Partnership.
  - Continued efforts in the provision of technology in-service training for staff in the University system and K-12 education who use METNET services.

#### School Food Services

- To administer the National School Lunch, Breakfast, Special Milk, Food Distribution, Summer Food and Nutrition Education & Training programs as mandated by congress and regulated through a cooperative agreement with the United States Department of Agriculture (USDA). (1-US)
  - To monitor program implementation and compliance by 278 breakfast/lunch school food authorities (SFAs), 15 special milk only SFA'S, and 34 summer food service program sponsors.
  - To provide special assistance and training to food service related personnel including 400 participants at the annual School Food Service conference, 15 regional workshops, and 25 technical assistance visits to SFAs, answer numerous telephone calls related to program operations, and provide program information to the public and other government agencies.
  - To provide USDA donated foods to 273 school food authorities and 34 summer food service program sponsors.
  - To provide nutrition education and information to SFAs, to instructional personnel, and the public using various delivery systems, i.e., printed materials, workshops, seminars, and the annual School Food Service training conference for the benefit of over 50,000 children.
- To provide a state-wide food purchase program enabling 278 SFAs to join together cooperatively through School Food Services to obtain foods through volume buying at considerably lower costs. (2-MT)
  - To save SFAs an estimated \$500,000 per year based on \$2,000,000 in purchases.
  - To charge a 2% service fee for program administration thereby not using state funds.
- To provide an efficient method for paying for and collecting for the warehousing and delivery costs of USDA donated foods allocated to private schools, residential child care institutions (RCCIs) and summer food service programs. (1-MT)
  - To collect reimbursement from private schools, RCCIs and summer food service programs for the cost of warehousing and delivery of their entitled USDA donated foods.
- To pass through reimbursement payments to SFAs, and summer food service program sponsors who participated in their respective programs. (1 US)
  - To receive claims for reimbursement, evaluate claims, and pay correct claims for reimbursement for eligible meals served.

#### Basic Education and Accreditation

- To assure quality basic education for the students of Montana.
  - Assist schools in implementing programs which promote the characteristics of effective schools as defined by research. (1 US and MT)
  - Fund curriculum development grants and innovative practices grants from ESEA Chapter 2 Effective Schools grant. The elements of effective schooling are organized into five groups of variables: 1) a clearly defined curriculum; 2) focused classroom instruction and management; 3) firm, consistent discipline; 4) close monitoring of student performances; and 5) strong instructional leadership. (NWREL, 1984)
  - Gather, evaluate, and disseminate materials related to effective schools research and programs. Materials will be gathered at national and regional conferences and from publications. Information will be distributed through office publications, state and regional conferences, and on-site visits to school districts.
  - Provide technical assistance concerning the implementation of effective school programs to school district staffs. Technical assistance will include on-site visits, telephone consultations, and presentations at regional and state conferences
  - Implement evaluation of effective schools programs. Evaluation activities will include assessment of conferences, technical assistance, on-site accreditation visits, and grant activities.
  - Implement the accreditation standards adopted by the board of public education. Review accreditation compliance and make recommendations to the board of accreditation status for approximately 900 schools each year
- Targeted Assistance: Provide for training and professional development of educational personnel (1 US and MT)

- Provide technical assistance to individual and groups of educators to enhance their professional development. Technical assistance will include on-site visits, telephone consultations, correspondence, mailings, electronic bulletin boards, and presentations at regional and state conferences.
- Gather and disseminate information on innovative teaching techniques and school management. Results from the 4 innovative practices grants will be distributed through office publications, and state and regional conferences.
- Sponsor and contribute to programs for the professional development of educational personnel. Support and participate in school district, consortia, and state level conferences.

### Vocational Education

The State Superintendent is designated by state law as the governing agent and executive officer for K-12 Vocational Education. All vocational and prevocational programs operated by local public schools are under the general direction and control of the State Superintendent of Public Instruction. The Superintendent's Vocational Education unit administers all state and federal monies designated for the support of vocational education. All such monies are made available only to the State Superintendent. The State Legislature has designated the Commissioner of Higher Education's Office as the fiscal agent for direct receipt of Carl D. Perkins Vocational Education funds and has required by law that the Commissioner contract back to the State Superintendent those Federal funds that support secondary vocational education programs.

The Vocational Education unit provides fiscal and programmatic administration, supervision, leadership, technical assistance, evaluation, compliance enforcement, and consultative services to public and non-public schools, units of the University system, community based organizations, other state agencies and the general public.

The unit distributes Federal and State funds via competitive subgrants and formula allocations. The unit also provides curriculum assistance to various diverse educational disciplines such as business education, marketing education, home economics education, technology education, agriculture education, industrial arts, guidance and counseling, and apprentice and journeymen upgrade education. Funds for these activities come from State and Federal sources. The Carl D. Perkins Vocational Education Act (PL 101-392), and the State general fund are the major sources of funds administered by the unit.

- Improve the quality of Vocational Education in all Montana schools.
  - Evaluate a percentage of all State funded vocational programs each year. (1-MT)
  - Conduct an on-site program review in selected school districts each year. (3-MT)
  - Provide inservice training for 350 vocational teachers on new vocational education topics, curriculum, etc. each year. (2-US)
  - Expand the use of modern technology in vocational programs. (1-US&MT)
  - Assist with Northwest and OPI accreditation reviews of Montana schools each year. (3-MT)
  - Provide support for the curricular and co-curricular development activities of the various vocational disciplines. (1-US&MT)
- Expand the equitable access to quality vocational programs to members of special populations.
  - Fund special programs that provide vocational training for non-traditional students. (1-US)
  - Evaluate Federally funded vocational programs each year. (1-US)
  - Gather data on all funded vocational programs and report to the Federal government. (1-US)
  - Participate in the OCR activities of the office. (3-US)
  - Manage the Carl D. Perkins federal funds through review, evaluation, monitoring and approval of Basic Grant and Competitive Grant applications that are available to 163 high school districts, community based organizations (CBO's) and teacher education programs. (1-US)
  - Write the portions of Carl D. Perkins State Plan for vocational education that relate to K-12. (1-US)
- Perform other ancillary duties.
  - Serve on State Occupational Information Coordinating Council (SOICC) and Technical Steering Committee (TSC) for SOICC. (3-US)
  - Participate in general OPI activities. (2-MT)
  - Serve as the States Facility Coordinator. (3-US)
  - Serve on the Governors Council on Employment of People With Disabilities. (2-MT)
  - Assist with Montana Business Week. (3-MT)
  - Serve on the Montana Child Care Block Grant task force. (2-US)
  - Administer the related apprenticeship and journeyman upgrade funding system in junction with the Department of Labor and Industry. (3-MT)

### Job Training Partnership Act

The Office of Public Instruction is designated by Federal Law as the administrative agency for the Section 123 Education Coordination funds provided under Public Law 97-300 and the new amendments to that act under Public Law 102-811. Various State laws support this designation.

The act provided that 8% of the title II funds be made available to the State Education Agency for education coordination activities and not less than 80% of those funds be spent for direct services and job training services to eligible youth and adults facing serious barriers to participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the work force and

enhancing the productivity and competitiveness of the Nation. The balance of the funds (20%) are to be used for program management and statewide activities which improve program coordination between educational institutions and job training programs.

- Provide overall policy direction, program management, and fiscal management to direct service programs operated by local education agencies, community colleges, community based organizations, and other state agencies.
  - Develop and issue a request for proposals for the JTPA 8% funds by May 1, 1994. (1-US)
  - Select program operators for the 1994-95 program year. (1-US)
  - Evaluate all 1993-94 JTPA 8% programs by June 30, 1994. (1-US)
  - Close out all 1993-94 projects and write a final fiscal and program report. (1-US)
  - Organize a JTPA 8% planning task force. (2-US)
  - Participate in general OPI administrative activities. (3-MT)
- Facilitate coordination of education and job training services.
  - Negotiate a cooperative agreement with the JTPA service delivery areas. (1-US)
  - Negotiate a cooperative agreement with Montana Job Service. (2-US)
  - Disseminate program information to program operators. (1-US)
  - Participate in state JTPA activities such as JTCC meetings and PIC meetings. (2-US&MT)
  - Coordinate JTPA, Vocational Education, and Jobs for Montana Graduates activities. (3-MT)
  - Coordinate with other non JTPA funded state and federal education activities. (3-MT)

#### Traffic Education

- Develop and administer division of traffic education programs. (1-MT)
  - Establish required policies and procedures, as well as provide necessary guidance, for each program administered.
  - Develop and implement qualifications for driver educators, motorcycle instructors, and school bus drivers.
  - Process school district, sponsor, teacher and instructor applications.
  - Establish and implement policies for the distribution of monies to school districts and program sponsors.
  - Process school district and sponsor reimbursement claims.
  - Distribute funds in the traffic education account as required by law.
  - Develop and administer program budgets in accordance with federal and state laws and regulations.
- Supervise and assist school districts, and others, with the conduct of their various traffic education programs. (2-MT)
  - Provide technical assistance in curriculum development, facility layout, assessment and instructional methods.
  - Conduct annual conferences, instructor preparation courses and workshops.
  - Develop, distribute and make available a variety of educational materials.
- Supervise the development and management of the Montana Driver Education Facility and Motorcycle Training Sites. (2-MT)
  - Provide basic and advanced automobile and motorcycle instruction to educators, professionals and the general public.
  - Provide facility/site maintenance and improvement as needed.
- Periodically conduct on-site traffic education/pupil transportation program reviews and motorcycle safety training course monitoring (3-MT)
  - Review and monitor traffic education courses and programs statewide.
  - Evaluate each program and provide written recommendations for improvement.
  - Conduct follow-up reviews and provide technical assistance upon request

#### Health Enhancement

To educate Montana youth on self-responsibility in achieving and maintaining a healthy lifestyle, on taking an active role in protecting and improving their health, and on addressing the intellectual, social, emotional and physical dimensions of self by integrating health enhancement throughout the school program.

- To administer the Drug-Free Schools and Communities (U.S. Department of Education) grant and HIV/AIDS Education Program (Department of Health and Human Services) cooperative agreement. (1,US)
  - To develop grant/cooperative agreement applications consistent with federal requirements and the office mission. (1,US)
  - To submit all required programmatic and financial mid and final reports. (1,US)
  - To develop, implement and analyze surveillance and assessment instruments (1,US)
  - To develop and maintain a system of 150 sub grants to over 400 LEAs encompassing 800 individual schools. (1,US)
- To provide technical assistance and related resources to LEAs and other associated groups/organizations. (2,US/MT)
  - To provide program implementation and curriculum development information to 495 Montana school districts concerning DFSC grant requirements and related activities (1,US)
  - To provide program implementation and curriculum development information to 495 Montana school districts concerning HIV/AIDS education (2,US)
  - To provide program implementation and curriculum development information to 495 Montana school districts concerning health enhancement (comprehensive school health). (2,US/MT)
  - To provide program and student assessment/evaluation guidance and assistance to 495 Montana school districts (3,US/MT)
  - To provide teacher and administrator specific program implementation, curriculum development and assessment training for 600 Montana educators. (2,US/MT)
- To conduct program monitoring in the areas of DFSC, HIV/AIDS, and health enhancement (1,US/MT)
  - To develop and distribute self assessment strategies to 800 schools, conduct 60 onsite reviews and coordinate a peer review system. (1,US)

- To develop, maintain, and conduct monitoring of 20 HIV/AIDS regional trainers. (2,US)
- To monitor the health-related behavior of Montana youth through the Youth Risk Behavior Survey given to over 10,000 youth on odd-numbered years and monitor program implementation of 550 school districts at the school level on even numbered years. (1,US)
- To conduct both 95 onsite and 500 office reviews of health enhancement programs conducted at the LEA level. (3,US/MT)

## GOALS AND OBJECTIVES:

### Special Education

- Goal: Provide policy direction and coordination for the conduct of special education in the state. (1-MT & US)
  - Assist school districts, institutions and other agencies in developing programs for children with disabilities.
  - Act as the coordinating agency with federal agencies, other state agencies, and others on matters concerning the conduct of special education in the state.
- To assist school districts in the provision of a free appropriate public education (FAPE) to eligible special education students. (1- US & MT)
  - Annually allocate \$ 33.8 million in state special education funds to school districts and special education cooperatives in accord with established criteria.
  - Annually allocate approximately \$8,025,381 million in federal IDEA Part B and Preschool funds for the supplemental support of special education programs and related services in accord with established state and federal regulations. Approximately 105 applications will be completed annually.
- Supervise the conduct of special education programs to ensure that eligible students receive a free and appropriate public education in accord with applicable state and federal regulations. (1-US & MT)
  - Conduct on-site monitoring of special education programs in at least 45 school districts annually.
  - Review federal project narrative and fiscal reports. Approximately 105 reviews will be conducted annually.
- Ensure that special education programs and services are implemented by "qualified" personnel. (1-US and MT )
  - Provide directly, or in collaboration with professional organizations, other state agencies and institutions of higher education, and workshops and other in-service training programs on a state-wide basis.
  - By June 1 of each year, conduct a state-wide needs assessment to determine personnel training needs.

## GOALS AND OBJECTIVES:

### Chapter 1

To assist LEAs in meeting the special educational needs of educationally deprived children in school attendance areas and schools with high concentrations of children from low-income families. This assistance is to improve the educational opportunities of educationally deprived children by helping them succeed in the regular program, attain grade-level proficiency, and improve achievement in basic and more advanced skills that all children are expected to master.

- To administer the ESEA Chapter 1 program in compliance with federal laws and regulations. (1 US)
  - To develop grant applications and other supporting documents, that are consistent with federal requirements, for use by the LEAs.
  - To submit in a timely manner all required programmatic and financial reports to the federal government.
  - To develop, implement and analyze monitoring and assessment instruments.
  - To maintain a system of 373 grants to 297 LEAs encompassing 606 buildings and approximately 16,300 students.
- To plan, develop, promote, implement and maintain services and processes which provide information to the parents, teachers, aides, administration, and local boards of trustees of Chapter 1 eligible students. (2 US)
  - To develop and disseminate a quarterly newsletter which contains current updates on Chapter 1 activities to 297 LEAs.
  - To plan and promote a Fall Chapter 1 statewide conference for parents, teachers, aides and administrators. Approximately 850 persons attend. This conference provides policy, regulatory and programmatic information to participants.
  - To plan and promote Spring regional workshops to provide information on changes in regulations, update application procedures and relate current funding information. Approximately 450 persons from 297 LEAs attend.
  - To plan and promote workshops on program improvement, national recognition, MegaSkills and Even Start. Approximately 200 LEAs and 400 persons are involved.
  - To provide technical assistance via telephone and on-site visits. Assistance provided to 135 LEAs annually.
  - To establish state Chapter 1 guidelines and to monitor LEA compliance with state and federal regulations. (3 US and MT)
  - To plan and hold an annual meeting with the Chapter 1 Committee of Practitioners to present for their review and comment all activities and issues relevant to Chapter 1.
  - To plan and implement a monitoring system that will involve annual on-site reviews at 75 LEAs and a desk audit of all 297 LEAs involved with Chapter 1.

## GOALS AND OBJECTIVES:

### Equity

Gender, National Origins, Race Equity, Esea Chapter 1 Migrant, and Title VII Bilingual



- LEA's will be familiar with equity issues and utilize re-sources from OPI in order to provide effective services to female and minority students. (US)
  - Catalogue and expand a bibliography of the existing materials and AV resources at OPI which deal with equity issues and can be utilized by school districts in the state. A quarterly newsletter is published by OPI and OCHE which is distributed to all schools in the state.
  - Develop and purchase new materials and resources which address equity issues, especially sexual harassment, which can be used by school districts.
  - Update and distribute the Title IX Coordinator's Handbook.
- The Office of Public Instruction offers technical assistance, conferences, training, data collection, and staff development projects to assist districts in establishing and providing effective and inclusive education for all students, specifically addressing and reducing disparity by sex, race, and national origin. (US)
  - To expand the staff development program for GESA (Gender/Ethnic Expectations and Student Achievement) to two new sites.
  - Conduct GESA training reaching staff in 17 school districts.
  - Conduct regional and district Title IX training events for educators/administrators.
  - Conduct sexual harassment training of trainers for educators/administrators.
  - To coordinate nine EYH (Expanding Your Horizons) career conferences which are targeted for girls grades 6-12.
  - Conduct a statewide bilingual/ESL conference which would be attended by educators and parents working with children from limited English speaking backgrounds including teachers of Hutterite children.
  - To provide Expressive Language Training to targeted school districts in Montana.
  - Coordinate an Institute for Effective Teaching of American Indian Children and other multicultural training for elementary teachers who work with Indian children.
  - To provide parent training activities for minority parents to help them become more involved in the education of their children.
  - Administer the ESEA Chapter 1 Migrant Program in compliance with federal laws and regulations, and whenever possible, seek to influence, positively, policy making at the federal level.
  - Coordinate with SEA migrant programs and local migrant education programs with similar programs and projects in other states, including the transfer of school and health records about eligible migratory children.
  - Establish state Chapter 1 migrant guidelines and procedures in accordance with federal regulations.
  - Plan, develop, promote, implement, monitor, and maintain services and processes which provide information to the parents, teachers, aides, administrators and local boards of trustees of Chapter 1 migrant eligible students.
- To meet the needs of Limited English Proficient students in school districts implementing or wishing to implement bilingual or ESL programs under Title VII; to collect data regarding the number and educational condition of LEP students in the state.

It should be noted that the objectives listed above are not in any priority order. The objectives listed are funded by the federal government based on funding available for this purpose. We feel that these objectives provide only a bare minimum of training that is necessary in the Equity Program. The need for these type of activities far exceeds the amount of funds available under Title IV of the Civil Rights Act.

## **GOALS AND OBJECTIVES:**

### Adult/homeless Services

Administer all federal and state contracts, grants and provisions of law to the best of our ability and with the resources available. To assure the best possible educational opportunities for the people we serve.

### Montana State Approving Agency

- OPI will meet the terms and conditions of its annual contract with the U.S. Department of Veterans Affairs. [(1) (United States Department of Veterans Affairs Contract - Section 1775-1776 Title 38 United States Code)]
  - Submit performance standards for program operations
  - Prepare and follow a school visitation schedule
  - Provide technical assistance to all approved educational institutions in the state
  - Assist non-approved programs to meet the criteria for approval
  - Develop and implement a staff development program

### State of Montana GED Program

- Administer the GED Testing Program in Montana to the best of our ability with the resources available according to the policies/procedures established by the GED Testing Service (GEDTS) of the American Council on Education (ACE) and in compliance with the administrative rules governing the high school equivalency program in Montana. (GED Examiner's Manual, American Council on Education; ARMs 10 66.101 - 10 66.106) [(1) (MT)]
  - Serve as liaison between GED Testing Service of the American Council on Education and the official GED test centers operating in Montana.
  - Coordinate annual GED contracts between GEDTS/ACE and the official GED test centers operating in Montana.
  - Establish new test centers as needed. Supervise/monitor existing test centers for compliance with GEDTS policies/procedures and state administrative rules and correct deviations. Provide inservice opportunities to test center personnel as resources allow.

- Develop new testing policies and periodically review, edit, and update existing Montana testing policies (ARMs).
- Operate and serve as official test center for state institutions, one job corps center, and arrange for test accommodations as warranted for disabled clients statewide.
- Manage coordination/scheduling of essay operational topic component for Montana's GED Test Centers.
- Provide/manage service of central scoring and record maintenance for state's GED testing program.
- Develop/implement technological enhancements to Montana's GED program to better serve clients and test center operations.
- Cooperate/prepare/present GED statistical report data for GEDTS, Montana Board of Public Education, Adult Basic Education Program, local GED test centers, and other interested agencies.

#### Homeless Children

- Every child of a homeless family and each homeless youth be provided the same opportunities to receive free, appropriate education services as children who are residents of the state. (1)
  - Increase public awareness of educational problems of the homeless
  - Coordinate all state and local services
  - Provide direct services to schools and service providers
  - Review and attempt to revise all relative state laws
  - Gather and report accurate data as required by Congress and the Department of Education.

#### Adult Basic Education

- Montana will provide basic academic services to about 6,000 adults in more than 25 sites. [(1) (US/MT) (State of Montana Code Annotated 20-7-701 through 20-7-714) and (Federal Adult Education Act Public Laws 100-297 and 102-73 and the appropriate federal rules and regulations).
- Provide teacher requested in-service and special demonstration projects. (1)
  - Provide summer in-service training
  - Provide scholarships for attending professional meetings and related activities
  - Cooperate with other agencies in data collection projects
  - Develop integrated computer communications
- Provide technical assistance to literacy providers (2) -
  - Maintain center as a depository for professional literature and materials
  - Through electronic mail hookups, use bulletin board programs - PSInet and OTAN
  - On-site technical assistance/evaluation visits
- Improve ABE instruction and program management through evaluation and data analysis. (1)
  - Establish evaluation methods relative to data collection requirements
  - Use third party evaluation team
  - Collect, analyze, interpret and act on statistical data collected.

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## Crime Control Division

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#### CRIME CONTROL DIVISION AUTHORIZATIONS:

2-15-2006, MCA	creates the board
7-32-303, MCA	peace officer employment standards
41-5-1001, MCA	state grants for youth detention services
44-4-301, MCA	board functions
53-9-101, MCA	victims compensation act
53-9-102, MCA	victims assistance coordination
9-53-132, MCA	restitution/subrogation
42 USC 4760	Anti-Drug Abuse Act
42 USC 10603	Victims of Crime Act
42 USC 3796	Stop Violence Against Women Act
5 USC 5101	Drug Free Schools and Communities Act
42 USC 3701	National Criminal History Improvement Program
42 USC 5601	Juvenile Justice and Delinquency Prevention Act

#### GOALS AND OBJECTIVES:

##### Crime Victim Compensation

To strengthen the performance of the justice system through the provision of compensation to victims for injuries suffered as the direct result of criminal acts of other persons.

- Provide claim forms, information and processing of approximately 600 primary victim claims and approximately 100 secondary victim claims per year.
- Process claims and make determinations within time parameters established by rule and policy.
- Promote the understanding of the Crime Victims Compensation program through four onsite training sessions a year for public services providers, law enforcement, and the general public.

#### Crime Victims Restitution

To collect, record, notify and assist local courts in the Crime Victims Compensation restitution program in the recovery of money for victims.

- Track CVC claims and maintain a computer data base system for the restitution from approximately 600 primary claims and approximately 100 secondary claims.
- Notify local prosecutors upon the receipt of all CVC claims.
- Promote the understanding of the restitution services provided by four (4) on site training sessions per year for public service providers, law enforcement, and the general public.

#### Fiscal Management

To strengthen the performance of the justice system by providing professional accounting for all funds administered by the Crime Control Division.

- Coordinate the planning and preparation of the division's biennial budget proposals in correlation with the time lines specified in the executive planning process. Support the proposals during the legislative budgeting process by providing information and testimony.
- Establish and maintain policies and operating methodologies to properly administer the division's budget and perform fiscal year end closing procedures in compliance with state and federal regulations and status.
- Design, develop, and implement enhancements to automated accounting systems to provide improvements for the recordation and retrieval of information annually.
- Review vendor claims for appropriateness and process payments promptly. Prepare employee payroll on time and maintain employee benefits for the twenty-six pay periods annually. Perform personnel management functions.
- Ensure accuracy of input to the state and division accounting systems through monthly reconciliations of SBAS and GMIS. Provide property management and accountability through annual inventories.
- Prepare necessary financial reports and schedules for the Office of the Legislative Auditor and provide audit coordination and resolution.
- Provide financial monitoring and reporting of federal programs to federal grantor agencies quarterly.

To improve the coordination of the justice system by providing financial guidance to the board, staff, and subgrantees.

- Review budgets for approximately 200 subgrant applications prior to committee/board award action.
- Present two training sessions for new subgrantees on accounting and reporting requirements. Provide individualized assistance upon request.
- Provide for timely receipt of revenues and the disbursement of funds monthly to subgrantees in accordance with state and federal cash management requirements.
- Monitor subgrantee compliance with state and federal financial requirements by analyzing quarterly reports. Perform on sight financial reviews of selected subgrant projects. Provide audit contact and resolution for each project.
- Provide technical assistance upon request by the board, agency staff, subgrantees, or private and public agencies.

#### Grants Planning

To promote public safety by assessing research-based methods, planning, and implementing state and local projects with a high probability of successful outcomes in the areas of narcotics enforcement, substance abuse prevention, personal violence, and skill development for children and families.

- To solicit proposals, review and rank proposals, make recommendations to the board on subgrant awards, and provide oversight for no fewer than 20 subgrant projects annually from the Edward Byrne block grant.
- To develop policies and procedures to implement per year approximately two new federal block grants and approximately 25 subgrant projects which enhance or increase the ability of local government to respond to public safety issues.
- To maintain and improve the growth of school linked services to at-risk children and families through administration of the grants to Governor's portion of the Safe and Drug Free Schools block grant which includes solicitation of proposals, review and rank the proposals, make staff recommendations to the board on subgrant awards, and provide oversight on the approved community based subgrants.
- To encourage and maintain a reasonable level of intervention and prevention services for victims of violent crime through planning, implementation, and oversight of projects in the following areas
  - ▶ Approximately three projects dedicated to Native American reservations.
  - ▶ Approximately 18 community-based programs dedicated to service oriented assistance.
  - ▶ Approximately 20 projects dedicated to improving the response of the justice system to women who are victims of violence.
- To interpret federal guidance related to block grant eligibility; develop and implement agency guidelines and procedures to provide responsible administration, and educate and inform service providers through technical assistance.
- To assess the outcome and impacts of two projects annually through performance or oversight evaluations.

### Juvenile Justice Planning:

To promote a balanced approach restorative justice system that equally targets the victim, the community and the offender and aims to increase public safety, accountability and competency skills.

- Ensure youth being detained meet the criteria set forth in the Youth Court Act (41-5-305, MCA) and the Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5601) by reviewing reports submitted from juvenile detention programs and by monitoring the booking records of adult jails used to temporarily detain youth awaiting detention hearings.
  - ▶ Maintain Montana's compliance with the requirements of the Juvenile Justice and Delinquency Prevention Act in the areas of de-institutionalization of status offenders, sight and sound separation of juveniles temporarily held in adult facilities, and removal of juveniles from adult facilities within 24 hours.  
Time: Montana is currently in full compliance with the provisions of both Montana and federal law.  
This requires a continual effort and monitoring for compliance with reports submitted to the OJJDP office annually.
- Establish a continuum of services for youth involved in the juvenile justice system using the "Balanced and Restorative Justice" model.
  - ▶ Review, award, and monitor 12 community based grant awards which provide balanced and restorative justice programs.  
Time: The Youth Justice Council releases at least one RFP annually soliciting proposals for new programs which provide for the public safety, competency development and accountability of youth in the system. Reports on the success of these programs is submitted quarterly to MBCC with reports to OJJDP submitted annually.
  - ▶ Review, award and monitor five regional detention service grant awards.  
Time: Requests for operational support for detention services to regional detention plans are required by May 15th annually. Awards are made by July 1.
- Meet the requirements of the Juvenile Justice and Delinquency Prevention Act in assessing and reducing representation of minorities in confinement.  
Time: Awards are made annually through an RFP process to programs proposing new and innovative methods of addressing the over-representation of minorities in confinement. Reports on the success of these programs are submitted to MBCC on a quarterly basis with reports to the OJJDP submitted annually.
- Provide a planning and coordination function to the juvenile justice system through regular participation of state agencies and juvenile probation officers at each Youth Justice Council meeting and through representation on advisory councils for other state agencies.  
Time: Reports from state agencies and juvenile probation are requested at each regular meeting of the Youth Justice Council. Recommendations for system improvement and collaboration are offered formally with copies of minutes distributed to the Governor's office.
- Provide technical assistance to units of local government and non-profit agencies in the areas of service planning and implementation at the request of said agencies.

### Peace Officer Standards and Training [POST]

To strengthen the performance and professionalism of the justice system by providing for the continuing certification and determination of standards for law enforcement, detention, communication, probation and parole officers, motor carrier service officers, and county coroners.

- Analyze certification eligibility of law enforcement, detention, communication, probation and parole officers, motor carrier service officers and county coroners and make recommendations to the POST Council at its quarterly meetings for 400 applications per year and issue 350 certificates per year.
- Investigate, analyze, and arrange for hearings on request to decertify and report to the POST Council at its quarterly meetings.
- Mail to 44 - 55 agencies, entry level written examinations and physical skills assessments, maintain test records, and respond to questions from agencies and/or applicants regarding the examinations and assessments.
- Assist the Montana Law Enforcement Academy with the administration of the Peace Officers Selection Test four times a year.

To strengthen the performance and coordination of the justice system by providing technical assistance to agencies and to MLEA in the development of training programs.

- Assist local law enforcement, upon request, in personnel management issues.
- Meet at a minimum every two months with MLEA staff assisting in program development, instructor development, and problem solving.
- Maintain the training records of all county coroners and notify them on a timely basis when they are due for additional training.
- Prepare legislative material and testify at the legislature as needed in 1997.

### Technical Services

To strengthen the justice system by collecting, analyzing, and reporting data and information related to criminal justice for law enforcement, policy makers, and the public..

- Collect crime data (Montana Uniform Crime Reporting Data/National Incident Based Reporting System data) from at least 90% of law enforcement agencies by April of each year.
- Submit compiled summary crime data to the FBI by March 15 of each year in the biennium.
- Based on the crime data collected, the MBCC shall produce statistical analysis and report the analysis and crime summaries to Crime in Montana, by July 1st of each year of the biennium.

- The Technical Services Unit shall continue to work at a conversion of agency record keeping from MUCR (summary data) format to NIBRS (incident based) format through two general training sessions each year and six agency on-site sessions each year.
  - Provide and/or coordinate support and maintenance for in-house computerized databases of law enforcement training records, juvenile information, reported crimes, and crime victims as needed.
  - Provide technical assistance to 3-5 criminal justice agencies a year. An example of the technical assistance to be offered is a special study on consolidation of law enforcement services within a given community, or an analysis and recommendations regarding records management within a single law enforcement agency.
  - Provide timely response to special data requests from the general public, governmental agencies, or others. Turn-around time for special data requests is not to exceed two weeks.
  - Maintain division's computer network including hardware, software, and training.
- To strengthen the justice system by establishing and maintaining a Statistical Analysis Center for the purpose of providing a mechanism for responding to criminal justice agency issues.
- The Statistical Analysis Center (SAC) shall secure a federal grant each year of the biennium to ensure financial aid for the staffing of the center.
  - Within each year of the biennium the SAC shall produce 10-12 special reports based on the law enforcement crime data, Juvenile Probation Information System data, victim data, POST data, and/or grant recipient data. These special reports will be based on requests of MBCC staff, Legislative Branch, Department of Justice, or other Executive Branch needs.
  - The SAC shall develop and produce four standard mini-reports which shall be published each year of the biennium. As an example, a manpower report will be produced annually summarizing the law enforcement manpower for communities across the state.
  - The SAC shall develop standards for Montana crime data collection, including standard code tables and reporting formats.
  - To download raw data from the Criminal History Records system for use in statistical analysis. Accomplish this by July 31, 1997, and establish a quarterly extract process after that time.

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## Department of Justice

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### LEGAL SERVICES DIVISION AUTHORIZATIONS:

Numerous statutory requirements.

### GOALS AND OBJECTIVES:

#### Appellate Legal Services

- To represent the State of Montana in cases before local, state and federal courts. (1-MT)
- To enforce the laws relating to the reporting and collection of unclaimed or escheated property to the school trust fund.(1-MT)
- To provide legal assistance to local governments on bond issues. (2-MT)
- To provide the attorney general with legal research and analysis on questions submitted for an attorney general's opinion. (3-MT)
- To review proposed mergers and combinations among health care providers according to statutory criteria (1-MT)
- To represent the state and its agencies in bankruptcy matters. (1- MT)

#### Indian Legal Jurisdiction

- To provide consistent and accurate advice to state agencies on questions of Indian law which affect agency operations (1-MT)
- To defend state agencies when their actions are challenged in court because of jurisdictional conflict between state law and tribal law. (1-MT)
- To ensure a uniform state policy on Indian legal issues. (1-MT)

#### County Prosecutor Services

- To provide a variety of professional prosecution and training functions to federal, state, and local officials upon request and as authorized by the Attorney General. (1-MT)
- To provide aggressive and professional legal services in prosecution of cases of Medicaid and Workers' Compensation fraud. (1- MT)

### AGENCY LEGAL SERVICES AUTHORIZATIONS:

Numerous statutory requirements.

## GOALS AND OBJECTIVES:

- To provide contracted legal services to state agencies at a reasonable cost, particularly where agencies need assistance with litigation. (1-MT)

## GAMBLING CONTROL DIVISION AUTHORIZATIONS:

23-5-110, MCA	Public policy statement and general division activities.
23-5-111, MCA	Strict construction.
23-5-113, MCA	Criminal justice agency designation.
23-5-115, MCA	General licensing and tax powers.
23-5-136, MCA	Injunction and other remedies
23-5-151, MCA	Gambling prohibited unless authorized.
23-5-425,631, MCA	Examination and approval of electronic gambling devices.
2-15-2021, MCA	Creation of Gaming Advisory Council.
16-4-207 and 16-6-101, MCA	Investigation of liquor license applications and related matters.

## GOALS AND OBJECTIVES:

- To ensure gambling is being conducted in a legal manner by authorized individuals. (1 - MT)
- To investigate applicants and to issue gambling licenses and permits to qualified applicants in an efficient and effective manner. (1 - MT)
- To efficiently collect and accurately account for gambling taxes and permits and distribute these revenues in a timely manner. (1 - MT)
- To protect the health, safety, and welfare of all citizens by regulating gambling. (1 - MT)
- To examine and approve prototypes of electronic gambling devices and their modifications for operation in the State of Montana. (1 - MT)
- To ensure compliance with gambling laws and rules in an equitable and uniform manner. (1 - MT)
- To provide investigative services to the Department of Revenue's Liquor Division.
- To assist local law enforcement as needed and on request. (3 - MT)

## MOTOR VEHICLE DIVISION AUTHORIZATIONS:

Title 23, Chapters 2 and 3, Montana Codes Annotated  
Title 61, Chapters 2, 3, 4, 5, 6, 8, 11, and 12, Montana Codes Annotated  
Title XII Public Law 99-570, U.S.C. 504, 3102, and 3104

## GOALS AND OBJECTIVES:

### Records and Driver Control:

The mission of the Records and Driver Control Bureau is to assure that only qualified drivers may legally operate a motor vehicle upon the public roads of the state.

- To create and maintain records of all drivers using Montana's highways and streets including records of examination, license issuance or denial, violations, accidents, correspondence, changes of name or address, actions taken against the license or privilege to drive and medical or visual information.
- To create and maintain a records system (both manual and automated) containing in excess of one million records including the records of approximately 739,700 valid driver's licenses, 40,700 commercial driver licenses, 30,000 actions against driver's licenses or driving privileges, and adding to that system approximately 266,000 reports of conviction, 55,000 new drivers, 3,400 commercial drivers, 18,500 actions against driver's licenses or privileges and suspension of vehicle registrations. (1-MT and US)
- To exchange driver record information with other jurisdictions and with federal agencies to ensure that only drivers who are qualified to operate a motor vehicle in the State of Montana are licensed.
- To exchange information with, or inquire of other jurisdictions regarding the status of drivers in approximately 150,000 cases annually. (1 - MT and US)
- To administer revocations of driver's licenses and privileges against drivers and commercial drivers who have committed violations for which revocation is mandatory.
- To process approximately 5,000 mandatory revocations of all types annually. (1-MT and US)
- To administer suspensions of driver licenses and privileges against drivers and commercial drivers who have committed violations of which suspension is mandatory.
- To process approximately 9,000 mandatory suspensions annually. (1-MT and US)
- To administer suspensions of driver's licenses and privileges against drivers and commercial drivers who have committed violations or other acts for which suspension is discretionary.
- To process approximately 2,600 discretionary suspensions annually. (2-MT and US)
- To suspend approximately 2,000 registrations of motor vehicles for insurance violations. (2 - MT and US)

- To prepare materials for administrative hearings in contested discretionary action cases.
- To conduct approximately 30 contested case hearings annually. (2 - MT)
- To prepare materials for counseling sessions for the purpose of providing problem drivers with information regarding the future consequences of continued violation.
- To complete approximately 1,100 warning letters annually. (3-MT)
- To provide information regarding driver status and driver's records to authorized persons or agencies.
- To provide approximately 3,500 certified driver records annually to law enforcement, prosecution, defense, and the courts.
- To respond to approximately 400,000 inquiries regarding driver status, violation and accident information to authorized users from automated and manual driver's records. (3-MT)
- To collect and report to Highway Traffic Safety approximately \$350,000 in reinstatement fees from drivers who have been revoked or suspended in cases involving a conviction involving alcohol. (3-MT)

#### Field Operations Bureau:

The Field Operations Bureau's mission is to examine for original issuance and renewal all Montana drivers for basic, commercial, and motorcycle driving privileges; to issue identification cards; to provide inspections services for vehicle identification numbers; and to provide investigative services for special driver's licensing problems.

- To provide all driver licensing, driver control and motor vehicle inspection services to each of the 56 counties in the state on a scheduled basis, requiring travel (approximately 375,000 miles annually) to and from the 45 counties which do not have a resident examiner. (1-MT and US)
- To examine for original licensure or renewal and to issue original, renewal, and duplicate licenses (including the mandatory provision of information regarding the ability to indicate a desire to become an organ donor or to register to vote) to approximately 200,000 drivers annually. (1-MT and US)
- To provide enhanced services to the public through training and administering the Cooperative Driver Training Program at more than 200 high schools and certification of more than 250 teachers, and through the Third Party Testing Program working with private businesses. (1 - MT and US)
- To provide in excess of 7,600 MARs (motor vehicle records) to individuals and businesses and to perform in excess of 13,000 name and address changes for Montana licensed drivers annually. (1 - MT and US)
- To conduct approximately 30 administrative hearings in contested discretionary actions cases annually. (2 - MT)
- To investigate and collect information on approximately 200 medical cases and 250 applications for under-age licensure annually. (2-MT)
- To inspect approximately 1,000 vehicle identification numbers on salvage vehicles and vehicles which have been identified through the registration and titling system as having an incorrect number. (2-MT and US)
- To conduct approximately 500 special examinations or investigations annually for those drivers who have developed a physical or medical problem since the last renewal or who have been reported as having a driving problem. (2-MT)
- To provide training to the examining staff on a continuing basis covering changes in licensing procedures and laws. (3-MT and US)
- To provide identification cards and/or special licenses to approximately 6,800 individuals each year. (2-MT)
- To provide information to the public regarding the testing procedures and licensing requirements to obtain a Montana basic or commercial license, motorcycle endorsement or identification card through the publication of a Driver's Manual, a Commercial Operator's Supplement and a Motorcycle Operator's Manual. (2-MT and US)
- To provide information for 1,250 problem drivers annually. (3 - MT)

#### Title and Registration Bureau:

The Title and Registration Bureau's mission is to title and register vehicles for the protection of Montana vehicle owners and lienholders; to investigate under state and federal mandates odometer fraud and vehicle theft; to license and regulate motor vehicle dealers and manufacturers; to issue and maintain records for disabled parking permits; and to maintain records and to provide information to law enforcement and other users.

- To provide for the registration of approximately 1,003,000 motor vehicles. (1 - M)
- To provide for the recording and maintenance of more than 2,500,000 records.
- To microfilm more than 2,300,000 motor vehicle titling documents.
- To access the motor vehicle titling records in response to 63,000 information requests.
- To file 166,000 liens and issue a Note of Lien Filing to the security party.
- To assign 4,500 vehicle identification numbers (VINs) to homemade vehicles and those vehicles with missing numbers.
- To issue approximately 800 confidential license plates and registrations to law enforcement agencies.
- To issue in excess of 400,000 titles for new and used vehicles.
- To provide approximately 62,600 titles for motor vehicle dealers
- To provide for the surrender of approximately 1,000 salvage vehicle titles and to inspect approximately 1,800 rebuilt salvage vehicles and invalid VIN numbers.
- To provide for the disclosure of odometer readings as required by federal and state law. (1- MT and US)
- To provide County Treasurers with all necessary vehicle registration and titling forms and instructions, including the forms required to file or release vehicle liens and to obtain duplicate vehicle titles or license plates (1 - MT)
- To license and regulate 1,680 motor vehicle, snowmobile, boat, and off highway vehicle dealers. (2 - MT)
- To investigate complaints and audit records to ensure compliance with Montana laws (2 - MT)

- To provide on-site and workshop training to approximately 250 County Treasurer employees, and provide training to automobile dealers and financial institutions on vehicle titling, vehicle registration, and the operation of the automated system. (2 - MT)
- To assist local law enforcement by performing in-depth investigations of motor vehicle fraud, theft cases, and consumer complaints. (2 - MT)
- To mail 769,000 motor vehicle registration renewal notices. (3 - MT)
- To provide for the registration of approximately 75,000 boats, snowmobiles, and off-highway vehicles.
- To title one-third of all registered off-road and recreational vehicles/vessels.
- To provide for the renewal of off-road vehicles by mail. (3 - MT)
- To register in excess of 100,000 personalized and specialized license plates. (3 - MT)
- To issue in excess of 8,600 disabled parking permits.
- To provide for the titling of approximately 300 pickup campers. (3 - MT)

#### **HIGHWAY PATROL DIVISION AUTHORIZATIONS:**

Title 44, Chapters 1 and 11, Montana Codes Annotated

Title 61, Chapter 1, Montana Codes Annotated

FMCSR Title 49: Subchapter B,

Parts 387, 390 through 397

Subchapter B and C,

Parts 171 through 199

Federal Safety Regulations

Federal Hazardous Materials Regulations

#### **GOALS AND OBJECTIVES:**

The primary goal of the Montana Highway Patrol is the reduction of fatal, injury and property damage motor vehicle collisions. This is accomplished by the diligent enforcement of traffic laws, highway traffic engineering recommendations and public education programs regarding traffic safety. The Patrol also strives to provide assistance to the motoring public to ensure safe and hazard free movement of people and property across the highways of Montana.

##### Field Force Command Bureau

This is the largest bureau and performs the line function of the patrol. The state is geographically divided into five districts, with headquarters in Missoula, Butte, Great Falls, Billings, and Glendive. All uniform officers, except those assigned to headquarters, are in this bureau. Also in this bureau are support staff and the three communication centers in Helena, Missoula, and Billings.

- To provide patrol coverage for all public highways in the state to promote traffic safety by enforcement of traffic laws. (1 - MT)
- To provide 24-hour regional dispatch service for the patrol and other state agencies requiring dispatch services and to maintain an after hours answering point for state government. (2 - MT)
- To respond to collisions of motor vehicles, aid individuals injured, take enforcement action when appropriate and gather statistical data. (1 - MT)
- To help motorists when their vehicles become disabled because of weather or mechanical difficulties. (2 - MT)
- To deter the transportation of illegal drugs by identification and prosecution of transporters. (2 - MT)
- To report hazardous conditions on the highways and to remove possible hazards. (2 - MT)
- To provide for the safe transportation of school children through biennial inspection of all school buses. (2 - MT)
- To promote highway safety through the dissemination of public safety announcements and personal appearances of patrol officers regarding the safe operation of motor vehicles. (3 - MT)

##### Support Services Command

##### Motor Vehicle Inspection Bureau

This bureau deals with commercial vehicle safety and related compliance federal regulations adopted by the state of Montana.

- To make reasonable safety inspections of commercial motor vehicles, with emphasis on "out-of-service" criteria as described in federal regulatory guidelines. (1 - MT and US)
- To make reasonable inspections of motor carrier's business records to ensure compliance with all safety related documentation including driver records and safety equipment compliance records. (1 - MT)
- To enforce the laws by taking appropriate enforcement action and preparing prosecution information for the County Attorney's offices. (1 - MT)
- To assure motor carriers operating in Montana with information and training that will allow them to gain the knowledge to operate their business in compliance with all rules and regulations. (3 - MT)

##### Fleet and Supply Bureau

This bureau is responsible for all purchases, distribution, inventory, and maintenance of division supplies and equipment.

- To control the purchase, maintenance, and final disposition of fleet vehicles. (1 - MT)
- To maintain a complete inventory of all division equipment. (3 - MT)
- To ensure that all necessary uniforms, supplies, and equipment are distributed to all division personnel so they are able to safely and effectively perform their duties. (1 - MT)



- To provide processing and record keeping capabilities of all photos taken by officers in the performance of their duties. (2 - MT)
- To be aware of changes in law enforcement and other equipment technology to ensure that the patrol is able to complete the mission in the most effective and cost efficient manner. (3 - MT)

#### Training and Research Bureau

This bureau is responsible for monitoring the recruitment and selection of replacement employees and the training and education needs of the division.

- To recruit and select the best possible candidates for vacant positions, following all rules, regulations, and policies. (1 - MT)
- To administer the promotional system with the patrol to ensure that the best candidates are tested and that the process follows all required practices. (2 - MT)
- To administer the Highway Patrol Recruit Academy. (1 - MT)
- To provide specialized and in-service training for current employees. (1 - MT)
- To administer a training records system so that certification can be recorded and verified. (3 - MT)

#### Records Bureau

This bureau is responsible for receiving, maintaining, and controlling all required field and communication reports.

- To maintain computerized data of accident reports to assist in scheduling and allocation of staff time. (3 - MT)
- To receive, classify, and file accident reports received from city, county, highway patrol, and other law enforcement agencies and individual drivers. (2 - MT)
- To receive and file communications, incident, criminal offense, and other reports as may be required by the division. (2 - MT)
- To control and monitor the release of this information to the media and the public as allowed by law and policy. (3 - MT)
- To respond to requests for information regarding traffic accidents from the public, attorneys, other law enforcement, or government agencies. (2 - MT)
- To compile data so that an annual report can be produced detailing information regarding the efforts of the division to reduce accidents and making comparisons from one year to the next. (3 - MT)

#### **LAW ENFORCEMENT DIVISION AUTHORIZATIONS:**

Title 28, Federal Register	Criminal History Records
Title 45, Chapter 9, MCA	Dangerous Drug Laws
Title 2, Chapter 15, MCA	State Fire Prevention and Investigation, Advisory Council
Title 50, Chapters 3, 39, 61, 62, 63, MCA	Fire Prevention and Investigation
Title 44, Chapters 2 and 5, MCA	Criminal Justice
Title 23, Chapter 5, MCA	Montana Lottery
Title 5, Chapter 13, MCA	Legislative Auditor

#### **GOALS AND OBJECTIVES:**

##### Fire Prevention and Investigation Bureau:

- To provide a high-quality fire prevention program which will identify hazards and make information available, thereby resulting in improved life/safety of commercial and public buildings and residences. (1-MT)
- To conduct inspections of schools, commercial and government buildings and other structures to identify fire code violations and work with owners to ensure corrections are completed.
- To coordinate and make available public fire education programs to enhance awareness and use of reasonable precautions.
- To provide high-quality fire investigation services which focus on providing the technical expertise in cause and origin determination to local fire and law enforcement agencies. (2-MT)
- Respond to requests to investigate "priority" fire investigations which involve a death, serious injury or excessive property damage (in excess of \$200,000) within one hour of the incident
- Respond to requests to investigate other fires, with the approval of the bureau chief, within established time frames.
- To accurately and efficiently record data in the Montana Fire Incident Reporting System and provide quality data to local, state, and federal agencies. (2 - MT)
- Increase the number of reporting fire departments by 10% by the end of the biennium
- To provide training to fire and law enforcement personnel on fire safety inspection procedures, fire investigation, and fire incident reporting. (3 - MT)
- Make available 24 training sessions in the state per year

##### Criminal History Records Program:

- To collect in a timely manner and accurately record, store and disseminate criminal history information for use in investigation of crimes, sentencing of criminals and protection of private employers. (1- MT and US)
- Maintain and, if possible, increase the current 95 per day record submissions and accurately enter the data into the criminal history records automated system through use of a Montana Arrest Numbering System (MANS), and follow up with local agencies.

- Make available accurate and complete information to law enforcement and authorized entities in an expeditious manner.
- Ensure the dissemination of confidential criminal history information follows established laws and procedures.
- To provide an automated system of comparison and identification by fingerprints to aid in the resolution of criminal offenses and the identification of persons with a criminal record. (1-MT)
- Operate an automated fingerprint identification system (AFIS) by enabling the program to search, by fingerprints, criminal history records throughout the western United States, including Montana's 101,000 files, with access to at least 14,000,000 records.
- Complete latent comparisons of suspected criminals through AFIS in support of law enforcement agencies, without known descriptive information, by entering, comparing, and storing fingerprints lifted from crime scenes.
- To provide training for Montana law enforcement agencies in criminal records systems, fingerprinting, lifting finger prints, and latent comparison to assist law enforcement in collection, storage, and dissemination of criminal history information and to support continued submission of criminal history records. (3-MT)
- Instruct six to ten classes per year at the Montana Law Enforcement Academy.
- Provide five regional training schools per year and respond to individual law enforcement agencies upon request.

#### Criminal Investigation Bureau:

- To maintain a trained and experienced staff in order to provide immediate and effective investigative resources to resolve complex and often controversial alleged criminal acts in a timely manner. (1- MT)
- To provide investigative assistance in response to requests from local law enforcement agencies regarding felony offenses which occurred in their jurisdiction.
- To provide competent, timely, and effective investigations into allegations of theft of state property or monies when reported to the Attorney General by the Legislative Auditor.
- To investigate allegations of theft referred to the bureau by the State Workers' Compensation Mutual Insurance Fund and seek prosecution of those committing fraud so as to preserve the integrity and solvency of the fund.
- To assist the Montana lottery director in the investigation of reports of violation of law concerning the Montana lottery.
- To provide a statewide criminal intelligence system for law enforcement agencies to facilitate the flow of criminal intelligence among law enforcement agencies throughout the state. (2-MT)
- Upgrade and automate existing files to improve the accuracy and usefulness of criminal intelligence records.
- Explore the feasibility of statewide interchange of intelligence information with other law enforcement agencies.
- To investigate allegations of welfare and Medicaid fraud referred to the bureau by the Department of Public Health and Human Services.

#### Narcotics Investigation Bureau

- To maintain undercover investigative teams capable of conducting investigation of offenses concerning dangerous drug laws. (1 - MT)
- To assist federal, state, and local law enforcement agencies in the investigation of the distribution, importation, cultivation, and manufacturing of illegal drugs within the state of Montana.
- To conduct pro-active (convert) and re-active investigations of offenses involving dangerous drugs through the use of undercover teams which can respond as needed in support of local efforts, whether in rural or more urban areas.
- To conduct multi-jurisdictional and conspiracy dangerous drug investigations to ensure all subjects involved in illegal transactions are discovered and referred for prosecution.
- To provide training to law enforcement agencies regarding investigative techniques, including basic dangerous drug investigative methods. (3 - MT)
- Instruct law enforcement personnel in drug investigation techniques at the Montana Law Enforcement Academy during each basic training class.
- Respond to request for specialized training at the academy, regional schools, or individual agencies.

#### **COUNTY ATTORNEY PAYROLL AUTHORIZATION:**

7-4-2502, MCA                      Payment of salaries of county officials. Provides that the state shall pay one-half of the County attorney's salary from the general fund.

#### **GOALS AND OBJECTIVES:**

- To have a formal document on file from each county authorizing the current year's salary, prior to payment.

#### **MONTANA LAW ENFORCEMENT ACADEMY AUTHORIZATIONS:**

44-10-1, 2, 3, MCA	Establishment of the academy, and the general principles of regulation and attendance.
7-32-303, MCA	Montana police officers employment, certification, and equivalency standards.
23.13.400, ARM	Peace Officers Standards and Training (POST)
23.17.1, 2, 3, ARM	Entry level peace officer admission requirements and performance standards for basic training.

## GOALS AND OBJECTIVES:

- To provide Montana law enforcement officers and other qualified individuals with a means of securing training in the field of law enforcement.
- To develop the campus of Mountain View School in Helena into a permanent, functional, cost-effective training facility for use by the Montana Law Enforcement Academy and other public safety agencies. (1 - MT)
- To operate and maintain adequate residential, training, and library facilities which promote high quality, cost-effective police education and training within a healthy and professional environment. In 1994, there were 1,661 sworn officers and 797 civilians employed by police agencies in Montana. (1- MT)
- To conduct an appropriate number of mandated entry level law enforcement, communications, and corrections certification programs (basic programs) sufficient to meet the needs and schedules of local, state, and federal agencies now operating in Montana (130) and to train new officers (220 each year) in an accepted, effective, and timely manner that encourages desired behavioral change. (1- MT)
- To maintain the percentage of pre-service students who attend training at their own expense so that costs to local governments can be reduced and the selection and retention process for Montana police can be streamlined and improved. (1-MT/ARMS)
- To provide continuing education for the certified reserve officers who currently serve in Montana (434 additional officers). (3 - MT)
- To train new staff members, maintain the percentage of training hours instructed by full time academy staff and to identify, train, and develop carefully selected individuals to serve as part-time instructors who can assist within academy programs and further improve training programs conducted by local agencies.. (1- MT)
- To maintain and support the current number of regional training programs being offered in local communities, to ensure a diversity of regional training opportunities sufficient to address new enforcement problems as they emerge, and to maximize quality assurance measures for regional programs as they are schedules. (1-ARMS)
- To develop and offer a standardized curriculum of professional programs which meet the advanced training needs of senior officers and agency administrators. (2-ARMS)
- To identify and offer a small number of new and innovative training programs which address anticipated changes within society and the profession, especially programs that cannot be easily managed as regional training sponsored by local agencies. (3-ARMS)
- To host, instruct, and support specialized courses designed for associated agencies (correction, coroner, GVW, park rangers, probation/parole) who have been designated by the legislature to receive training at the academy, and to provide centralized meeting facilities for use by associated citizens and public safety providers. (3-MT)
- To develop and offer a standardized curriculum of legal programs which meet the advanced training needs of senior officers and agency administrators, and which will reduce errors leading to case dismissal and exposure to liability. (1-ARMS)
- To maintain a staff legal officer who can instruct specialized legal topics and programs, and provide consistent update and review for the legal aspects of all academy programs. (1- MT)
- To support the Department of Justice with prosecutorial assistance and training thereby ensuring that the academy legal curriculums are current and relevant to existing professional and social problems. (1 -MT)

## CENTRAL SERVICES DIVISION AUTHORIZATIONS:

Title 17, Chapters 7 and 8, MCA	Budgeting, appropriations, and accounting.
Title 2, Chapter 18, MCA	State employee classification, compensation, and benefits.

## GOALS AND OBJECTIVES:

- To establish and maintain department-wide fiscal responsibility on behalf of the Attorney General. (2 - MT)
- To promptly process claims for vendor payments following the rules and regulations of the Statewide Budgeting and Accounting System (SBAS). (1 - MT)
- To process time sheet information culminating in the issuance of employee paychecks (1 - MT)
- To provide professional personnel services regarding recruitment and selection, disciplinary handling, delegated classification authority, personnel policy development, and the department's affirmative action plan (3 - MT)
- To oversee the department-wide budget preparation process. Providing committee testimony and monitor the progress of legislative budget bills. (2 - MT)
- To prepare legislative fiscal notes. (3 - MT)

## COMPUTER SERVICES & PLANNING DIVISION AUTHORIZATION:

44-2-301 and 302, MCA	Permanent law enforcement teletypewriter communication network.
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## **GOALS AND OBJECTIVES:**

### Criminal Justice Information Network:

- Provide Montana law enforcement agencies with a telecommunications link to state and federal criminal justice data bases, and to other law enforcement agencies. (1 - MT)
- Continue to work with the Department of Administration, the FBI, and the National Law Enforcement Telecommunication system to ensure maximum connectivity and response time to users of the system.
- Ensure that Montana law enforcement agencies with telecommunication terminal, comply with federal and state policies and security standards associated with access of criminal justice data bases. (1 - MT)
- Provide the maximum number of training hours both on site and through certification of operators via self-study work books.
- Ensure that the information entered into the law enforcement data bases is as timely and accurate as possible. (3 - MT)
- Continue to provide quality control through the agency validation process and the review of entries made into the system.

### Operations Section:

- To provide a safe, secure, and reliable processing environment for the department's critical computer applications. (3 - MT)
- Continue to review present policies and procedures, and develop new ones as required to protect the department's data.
- All Department of Justice applications will run on the Department of Administration computer.
- Ensure that the department's direction in the development of local area and wide area networks, and the use of micro technology is consistent with department goals and state standards. (2 - MT)
- Provide the department with support in designing and installing local and wide area networks and review all data processing equipment requests.
- Provide prompt, courteous problem resolution support for the more than 600 users of the department's systems. (2 - MT)
- Continue to staff and train the problem resolution support section in the latest network and equipment trouble identification procedures so the system users will experience minimum down time.

### Application Development Section:

- To provide automated data storage and retrieval systems that can provide reliable information for management decisions. (1 - MT)
- Respond to all requests for changes to the application programs that will improve data quality, ease of program use, or enhance reporting capabilities in a timely manner.
- Provide automated means of meeting the ever increasing work loads in the department in the most efficient manner possible. (3 - MT)
- Continue to have programming staff analyze and evaluate all functions in the department for possible efficiency to be gained through automation.
- If we were to eliminate new application development it would be the responsibility of the various program managers to secure funding for new development and then either contract with Department of Administration for programming support or contract with a private vendor.

## **EXTRADITION AND TRANSPORTATION OF PRISONERS AUTHORIZATIONS:**

7-32-2144, MCA	Mileage and expenses of a sheriff delivering prisoners to the state prison or juvenile correctional facility or mentally ill persons to the Montana State Hospital or other mental health facility.
46-30-411, MCA	The expenses of bringing fugitives back to the state are to be paid to an agent of the Governor by the Attorney General out of the state treasury.

## **GOALS AND OBJECTIVES:**

- To process claims in a timely manner and to explore methods of reducing transportation costs.

## **FORENSIC SCIENCE DIVISION AUTHORIZATIONS:**

Title 44, Chapters 3 and 6, MCA  
Title 46, Chapter 4, MCA  
Title 61, Chapter 8, MCA

## **GOALS AND OBJECTIVES:**

- To provide for a timely, efficient, and objective analysis of physical evidence in felony and misdemeanor criminal cases. (1 - MT)
- To provide for an efficient and effective death investigation system. (1 - MT)
- To expand laboratory technology, and expand and improve the investigative and analytical capabilities of laboratory personnel. (1 - MT)

- To provide a genetic database of sexual and violent offenders for use in the identification of perpetrators in suspect less violent offenses. (1 - MT)
- To improve and expand the crime scene investigative capabilities available to state and local jurisdictions. (3 - MT)
- To provide expert testimony in court regarding forensic matters in felony criminal cases at state expense. (1 - MT)
- To provide expert testimony in court regarding forensic matters in misdemeanor criminal cases at state expense. (3 - MT)
- To provide training to state and local criminal justice personnel in the area of evidence collection and management, forensic autopsies, death investigations, breath testing, and crime scene investigations. (2 - MT)

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## Public Service Regulation

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### **PUBLIC SERVICE REGULATION AUTHORIZATION:**

Title 69, Chapter 1, part 1, MCA

### **GOALS AND OBJECTIVES:**

The responsible regulation of the public utility, motor carrier, and railroad industries to provide safe, reliable, and adequate services at the lowest achievable cost to the consumers, while concurrently providing the regulated industries with a fair and reasonable return on their investment for the services rendered. (1) MT

#### Utility Division:

- To exercise the full power of supervision, regulation, and control of utilities as defined in 69-3-102, MCA.
- To prescribe rules of procedure for the fair, efficient, and expeditious handling of matters brought before the commission.
- To ensure that every public utility furnishes reasonable adequate service and facilities, and the charge made by any public utility for its product or service is just and reasonable.
- To ascertain property values of every public utility actually used and useful for the convenience of the public.
- To prescribe a uniform system of accounts of all business transacted by every public utility, and to examine the business records for correctness.
- To prescribe for each kind of public utility suitable and convenience commercial units of product or service.
- To fix adequate and serviceable standards for products or services rendered by any public utility, and prescribe reasonable regulations for examination and testing of such product or service and for the measurement thereof.
- To authorize by order of the commission, public utilities issuance of stocks, stock certificates, or other long-term securities.
- To investigate and hold hearings upon a complaint made against or by any public utility.
- To enforce all rates, fares, charges, classifications and joint rates fixed by the commission, and ensure compliance with all lawful requirements and orders of the commission..
- To investigate and make inquiry into every accident occurring in the operation of any public utility in this state, resulting in death or grave injury to any person.
- To conduct inspections of all intrastate natural gas pipeline utilities to ensure compliance with the minimum safety standards of the Office of Pipeline Safety Operations (OPSO) in accordance with the provisions of the Natural Gas Pipeline Safety Act of 1968.
- To promote the efficient use of energy by utilities and their customers.
- To regulate common carrier pipelines of crude petroleum, coal or the products thereof with regard to establishing rules and regulations, the setting and enforcement of rates and the collection of reports and tariffs required to be filed by the pipelines.
- To maintain the universal availability of telecommunication services at affordable rates. To the extent that it is consistent with maintaining universal service, competition in the telecommunications industry shall be encouraged.
- To enforce and interpret the standards of the National Electrical Safety Code.
- To establish rates and conditions of service under which electric utilities may purchase power from qualifying small power production facilities.
- To adopt integrated least cost planning rules, if the Commission considers them necessary, that will require electric or natural gas utilities to prepare and file plans for meeting the requirements of customers in the most cost effective manner that is consistent with the obligation to serve

#### Transportation Division

- To supervise and regulate every motor carrier as defined by 69-12-101, MCA, and railroad company operating in Montana..
- To fix specific, just, reasonable, equal and nondiscriminatory rates, fares, charges, and classifications for Class A and Class B motor carriers.
- To regulate the properties, facilities, operations, accounts, service, practices and affairs.
- To require the filing of annual and other reports, tariffs, schedules, or other data by motor carriers, and to supervise and regulate carriers in all matters affecting the relationship between said carriers and the traveling and shipping public

- To fully secure adequate motor transportation facilities for all users of such service, and to secure the public advantages thereof, the Commission shall encourage a system of common carrier motor transportation within the state for the convenience of the shipping public.
- To prescribe, by general order or otherwise, rules and regulations in conformity with the motor carrier and rail acts applicable to any and all motor and rail carriers.
- To appoint a supervisor who shall direct all enforcement activities, including the investigation and prosecution of violations of the motor carrier act or the rules, regulations or orders prescribed thereunder by the Commission.
- To approve interchange agreements between authorized common carriers.
- To approve motor carrier certificate leases.
- To approve, deny, terminate or modify motor carrier agreements. (Tariff Bureaus)
- To retain on file copies of every Class A and B motor carrier's rates, and any and all tariff provisions relating thereto.
- To review and approve applications for sale or transfer of certificate.
- To require all Class C motor carriers to file with the Commission the names and addresses of all persons, firms, corporations or other legal entity with whom the carrier has executed a contract, charter, agreement or undertaking for the distribution, delivery or collection of wares, merchandise or commodities, or transporting persons.
- To review, conduct hearings on, and determine the need for additional certificates or public convenience and necessity for proposed transportation services.
- To insure compliance of regulated motor carriers to the statute concerning insurance coverage.
- To establish a maximum and minimum rate for Class C motor carriers when deemed appropriate by the Commission, and ensure the Class C carriers collect rates which fall within the maximum and minimum rates so established.
- To insure that all motor and rail carriers collect the approved rates.
- To notice, analyze and act upon all requests for rate increases applied for by regulated carriers.
- To insure compliance relating to regulations for protection of livestock and agricultural resources by rail carriers.
- To insure compliance relating to statutes and regulations for protection and safety of railroad personnel.
- To inspect all rail trackage for compliance with Federal Railroad Administration standards.

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## Board of Public Education

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### BOARD OF PUBLIC EDUCATION AUTHORIZATIONS:

Article X, Sect. 9, MT Const.

Section 2-15-1507, 2-15-1522, MCA

### GOALS AND OBJECTIVES:

- To cause the formation and revision of public policy in areas that may be included under the Board's constitutional mandate to exercise general supervision over the public schools of the state.
- To meet jointly with the Board of Regents and the Governor as the Board of Education to prepare a joint budget for education, to enter into long-range planning and to evaluate the policies and programs for the public educational systems of Montana.
- To provide administrative and informational support for the members of the Board of Public Education.
- To establish and execute the enforcement of the school accreditation standards.
- To establish the rules for the issuance of teacher, administrator, and specialist certificates.
- To hold hearings for and execute, when necessary, the revocation and suspension of teacher, administrator, specialist certificates.
- To establish the program standards for teacher education in the institutions providing preparation for teachers in Montana.
- To act as an information source for other governmental agencies and the public on questions concerning the public schools.
- To provide administrative and staff support for the Certification Standards and Practices Advisory Council.

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## Commissioner of Higher Education

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### ADMINISTRATION AUTHORIZATIONS:

Article X, Sect 9, MT Constitution

Section 2-15-1506, MCA

## **GOALS AND OBJECTIVES:**

- To function as staff to the Board of Regents.
- To provide the University System and Technical Colleges with academic planning and curriculum review.
- To make budgetary recommendations and provide for budgetary review which will ensure that the University System is provided with adequate and stable funding.
- To promulgate accounting policy and review systemwide management information and accounting systems to ensure that the University System is accountable for their activities, expenditures, and the discharge of their responsibilities.
- To provide legal services for the Regents and the campuses.
- To set policies and procedures relating to labor negotiations.
- To negotiate and settle labor contracts in the best interests of the University System.
- To perform facilities planning and make recommendations to the Board of Regents and the legislature.
- To coordinate the community colleges in accordance with State statutes.
- To maintain and review Regent policies.
- To provide a reporting system and copies of subsequent reports concerning official student FTE statistics at each campus of the University System.

## **STUDENT ASSISTANCE AUTHORIZATIONS:**

Title 20, Chapters 25 and 26, MCA      State Student Incentive Grant - P.L. 89-329, Title IV, Part A, Subpart 3, as added by P.L. 99-498

Paul Douglas - Higher Education Act of 1965, as amended

## **GOALS AND OBJECTIVES:**

- To provide Montana residents access to quality professional education programs which are not available in Montana public institutions.
- To encourage talented Montana students and talented Montana minority students to choose careers in professional fields.
- To encourage Montana medical students to select primary care medicine and to subsequently locate their medical practices in nonmetropolitan areas.
- To obtain and distribute the maximum federal dollars available to assist students in Montana's postsecondary education system.
- To obtain and distribute the necessary amount of state matching dollars required for qualification of the federal student assistance programs.
- To report to federal oversight agencies concerning federal monies.
- To obtain and distribute the necessary state work study funds to supplement the federal work study program to ensure that more Montana students qualify for work study jobs.

## **DDE MATHEMATICS AND SCIENCE ED AUTHORIZATIONS:**

Title 20, Chapter 15, MCA.      P.L. 100-297 (Title II, Part A of the Dwight D. Eisenhower Mathematics and Science Education Act of 1988)

## **GOALS AND OBJECTIVES:**

- To provide inservice training for elementary, secondary and technical school teachers to improve their teaching skills in the fields of mathematics and science.
- To retrain teachers who are currently teaching without proper certification in mathematics and science.
- To retrain teachers who are currently teaching in other disciplines to specialize in teaching mathematics and science.
- To establish traineeship programs for new teachers who will specialize in mathematics and science.

## **MUS GROUP INSURANCE PROGRAM AUTHORIZATION:**

2-18-808 through 815, MCA.

## **GOALS AND OBJECTIVES:**

- To provide a cost effective employee group benefits program similar in costs and design to colleges and universities in the nation, which will enable the University System to attract and retain qualified faculty and staff to serve the higher education needs of Montana.
- To promote the health of employees and dependents through a comprehensive wellness program.
- To comply with federal laws and IRS rules and relevant state laws governing employee benefits.

- To provide protection from catastrophic health care expenses.
- To administer the plan on an actuarially sound basis.
- To manage the plan in the best interests of the employees of the University System through the involvement of employees on inter-unit advisory committees.

#### **TALENT SEARCH AUTHORIZATIONS:**

Title 20, Chapter 25, MCA

P.L. 99-498 as amended (Title IV Higher Education Act of 1965 Subpart 4)

#### **GOALS AND OBJECTIVES:**

- To provide information and counseling with a career and educational emphasis to low-income, potential first-generation college students.
- To increase the probability of participants completing secondary school.
- To increase to probability of participants being admitted to postsecondary school.
- To increase the probability of participants being readmitted to secondary or postsecondary school.

#### **C. D. PERKINS ADMINISTRATION AUTHORIZATIONS:**

P. L. 101-392 Carl D. Perkins Vocational and Applied Technology Education Act of 1990.

#### **GOALS AND OBJECTIVES:**

- To administer the federal funds for vocational education by providing technical assistance, grants management, performance reviews, civil rights compliance monitoring, and annual performance and compliance monitoring reporting for the use of federal funds in support of vocational education in Montana.
- To increase student work skill attainment and job placement.
- To increase linkages between secondary and postsecondary educational institutions.
- To improve the ability of eligible recipients to meet the needs of special populations with respect to vocational education.
- To improve the ability of vocational curriculum, equipment, and instructional materials to meet the demands of the workforce.

#### **EDUCATIONAL UNITS AUTHORIZATIONS:**

20-25-201, MCA

#### **GOALS AND OBJECTIVES:**

- To provide academic programs of instruction, research, and service of uncompromised quality.
- To improve use of technology to provide higher quality educational experiences to students, broadened access to programs of the Montana University System, and more efficient management of resources.
- To contribute to the development of a sustainable and expanded economy for Montana and enhanced global competitiveness.
- To contribute to improved quality of life for all Montanans.
- To help develop an educated citizenry prepared to meet the challenges of the 21st Century and to engage in life-long learning.
- To continue to develop collaborative partnerships for the common good with other education, government, business, and community entities.

#### **GUARANTEED STUDENT LOAN PROGRAM AUTHORIZATIONS:**

Sections 20-26-1101 through 1111, MCA

#### **GOALS AND OBJECTIVES:**

- To provide quality service to borrowers, educational institutions, and lenders in a manner which complies with federal and state regulations in order to ensure participants receive timely and accurate information.
- To provide participant assistance and reduce the confusion and complexity inherent in the program.
- To maintain an annual default rate that does not exceed 2.8% in any federal fiscal year in order to help ensure the integrity of the program is maintained and that school and lender participation is retained.
- To increase annual recoveries from defaulted accounts by 5 % per fiscal year to reduce the net national budget allocated to the program and help restore program integrity.
- To implement a training program for staff development which will enable staff to maintain quality performance in meeting constant changes in program regulations and technology.
- Provide yearly workshops for program participants to enhance program knowledge and compliance with regulations.



- Provide quarterly staff training to ensure compliance with program regulations.
- Assign 60 % of all first placement, defaulted student loans to in-house collection unit.
- Increase volume of loan recoveries on defaulted accounts by 5 % in each fiscal year.
- Maintain all paper documentation produced or received by the agency on the optical disk imaging system.

#### **BOARD OF REGENTS AUTHORIZATIONS:**

Article X, Sections 9 and 10 of the Montana Constitution  
20-25-301 and 2-15-1505, MCA

#### **GOALS AND OBJECTIVES:**

- To supervise, coordinate, manage, and control the units of the Montana University System.
- To supervise and coordinate Montana's three community colleges.
- To adopt rules, not inconsistent with the constitution and the laws of the state, for the governance of post secondary education which are proper and necessary for the execution of the powers and duties conferred upon the Board of Regents by law.
- To grant diplomas and degrees to the graduates of the University System.
- To adopt standards for courses and programs in post secondary education.
- To establish student entrance and graduation requirements.
- To establish student tuition and prescribe the bases and limitations for charging of fees, taking into account funding available from all other sources.
- To adopt budget requests for post secondary education.
- To approve annual operating budgets for post secondary education and subsequent changes to the budgets.
- To establish uniform policies for recordkeeping, financial transactions, accounting, maintenance, recruiting, guidance, placement of students, examination, and personnel relations.
- To appoint presidents, directors, faculty and any other necessary officers, agents, and employees, and to fix their compensation.
- To prevent unnecessary duplication of courses and programs.
- To work with all post secondary institutions in Montana to implement the transfer of course credits.

#### **BOND PAYMENT PROGRAM AUTHORIZATION:**

20-16-108, MCA

#### **GOALS AND OBJECTIVES:**

- To retire debt for vocational technical school buildings.

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## **Montana Bureau of Mines**

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#### **MONTANA BUREAU OF MINES AUTHORIZATIONS.**

20-25-211, MCA

Establishes the bureau

20-25-212, MCA

Assigns duties to the bureau

#### **GOALS AND OBJECTIVES:**

- To collect, compile, and publish statistics relative to Montana geology, mining, milling and metallurgy.
- To collect typical geological and mineral specimens and samples of products; to collect photographs, models, and drawings of appliances used in the mines, mills, and smelters of Montana
- To collect a library and a bibliography of literature pertaining to or useful for the progress of geology, mining, milling, and smelting in Montana.
- To study the geological formations of the state, with special reference to their economic mineral resources, both metallic and nonmetallic, and with special reference to groundwater
- To examine the topography and physical features of the state, with reference to their practical bearing upon the occupation of the people.
- To prepare and publish bulletins and reports, with necessary illustrations and maps, which shall embrace both a general and a detailed description of the natural resources and geology, mines, mills, and reduction plants of the state.
- To make qualitative examinations of rocks and mineral samples

- To consider such other scientific and economic problems as, in the judgment of the State Board of Education (Board of Regents), are of value to the people of the state.
- To communicate special information of Montana geology, mining, and metallurgy.
- To cooperate with the other departments of the Montana University System, with the State Mine Inspector, and with other departments of state government as may be mutually beneficial; and to cooperate with the United States Geological Survey and with the United States Bureau of Mines, in accordance with the regulations of those institutions.
- Upon the request of the Department of Natural Resources and Conservation, to make examinations of state lands with regard to their geological formation and structure and as to all features relating to the character, extent, and probable value of mineral deposits therein, including oil and gas.

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## Agricultural Experiment Station

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### AGRICULTURAL EXPERIMENT STATION AUTHORIZATIONS:

The experiment station is established by section 20-25-222, MCA. Duties assigned in sections 20-25-225 through 20-25-236, MCA, include conducting studies relating to agriculture, natural resources, and rural life, operating experimental farms, operating the Montana Wool Laboratory, and operating the Montana Seed Laboratory.

### GOALS AND OBJECTIVES:

The goal of the MAES is to enhance the social and economic well-being of the state, national and international communities through research programs addressing problems facing crop and livestock producers and consumers of agricultural products.

Research is conducted to improve the competitive position of Montana farmers and ranchers; and to ensure the safety, wholesomeness and cost-effectiveness of agricultural production principles and techniques applicable to semi-arid and intermountain regions throughout the world. Considerable research activity is also conducted on land owned by Montana farmers and ranchers.

Research projects relating to agricultural activities and other uses of natural resources are undertaken to enhance knowledge of the social, environmental and economic impacts of agricultural production activities and policies, to make research finding relevant and useful in their applications to the problems and choices facing the state, and to disseminate research findings in a understandable manner to other scientists and private citizens.

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## Cooperative Extension Service

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### COOPERATIVE EXTENSION SERVICE AUTHORIZATIONS:

20-25-235, MCA

Assigns duties to the cooperative extension service

### GOALS AND OBJECTIVES:

The goals of the Cooperative Extension Service are the following;

- to improve the competitiveness of Montana agricultural producers in the national and global environment;
- to develop the life skills of Montana youth to help them achieve their greatest potential; and
- to provide education and research-based information to Montana citizens to enable them to make wise decisions with regard to their businesses, their personal lives and the lives of their communities.

The objectives of the Extension Service are to enable Montana citizens, through education, to make decisions which enhance the quality of their lives by having impact in the following areas:

- pollution prevention through the protection of water quality and the proper disposal of solid waste;
- improved economic health of communities through the provision of skills for planning and understanding the dynamics of community health;
- improved health of citizens through proper nutrition and food safety practices;
- reduced problems among youth related to poor parenting and to the inability to make informed decisions; and
- increased profitability in the agriculture sector as a result of improved practices which reduce inputs while protecting the environment.

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## Forestry & Conservation Experiment Station

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### FORESTRY AND CONSERVATION EXPERIMENT STATION AUTHORIZATIONS:

20-25-241, MCA	Establishes the station
20-25-242, MCA	Assigns duties to the forestry experiment station

### GOALS AND OBJECTIVES:

The Forest and Conservation Experiment Station seeks to provide public and private land and managers and interested citizens with the information needed to attain the highest economic and social benefits from the forests of the State and to insure good stewardship of Montana's forest lands.

- To identify critical natural resource management information gaps and carry out the needed research on a range of topics including:
  - ◆ Natural resource analysis and planning
  - ◆ Resource policy and conflict resolution
  - ◆ Measurement and management of timber resources
  - ◆ Wildlife conservation and habitat management
  - ◆ Good stewardship on private forest lands
  - ◆ Management of forested watersheds
  - ◆ Tourism and outdoor recreation development and management
  - ◆ Fire, insect and disease management
  - ◆ Wood science, product development and secondary manufacturing
- Summarize research result in a form useable by public resource managers, private forest land owners, and other interested citizens of Montana.
- Disseminate research results and management implications through written publications, public meetings, workshops, short courses, and personal interaction with resource managers.

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## School for the Deaf and Blind

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### SCHOOL FOR THE DEAF AND BLIND AUTHORIZATIONS:

20-8-101, MCA	Independent institution
20-8-102, MCA	Objects and purposes
20-8-103, MCA	Board of public education rules
20-8-104, MCA	Eligibility of children for admittance
20-8-106, MCA	Duration of attendance
20-8-107, MCA	Admission of nonresident children
20-8-108, MCA	Provisions for indigent students
20-8-109, MCA	Time of regular school term
20-8-110, MCA	Property vested in school
20-8-111, MCA	Duty of board of public education-property
20-8-112, MCA	Expenditure of school moneys
20-8-113, MCA	Duties of superintendent
20-8-116, MCA	Employment placement
20-8-120, MCA	Communication skills required
20-8-121, MCA	Transportation of students
P.L. 101-476	Individuals with Disabilities Education Act

### GOALS AND OBJECTIVES:

- To provide students with a comprehensive educational program which includes an instructional program ranging from preschool to twelfth grade, specialized direct educational services relevant to the child's handicapping condition inclusive of language acquisition, speech development, and maximum use of residual hearing and residual vision. Early intervention services for the hard of hearing or visually impaired preschool child in the home in an effort to minimize the educational delay common to the handicapping condition of deafness and blindness is an integral part of a comprehensive program. To fully institute this program, residential facilities inclusive of child care services, health services, recreational services and social education, which includes training in social adjustment and self concept development are an integral part of the program. (MT/US-1)

- To provide extra-curricular activities, athletics, vocational education, and supportive services comparable to that of educational opportunities generally afforded to non-handicapped children. (MT/US-2)
- To provide students with vocational education and vocational training which will enable the students to make a choice in both a vocation and a path for post secondary training and to develop marketable skills for employment. (MT/US-3)

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## Montana Arts Council

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### PROMOTION OF THE ARTS AUTHORIZATIONS:

22-2-101-109, MCA  
 22-2-301-321, MCA  
 22-2-401-408, MCA

Agency authorization  
 Cultural and aesthetic projects  
 Art for state buildings

### GOALS AND OBJECTIVES:

- Encourage the study and presentation of the arts in Montana and to stimulate public interest and participation therein. (1-MT)
- Demonstrate statewide recognition of the importance of artistic excellence. (US)
- Provide opportunities for artists to develop their talents. (US)
- Assist in the creation, production, presentation/exhibition of innovative and diverse work that has potential to affect the art form and directly or indirectly result over time in new art of permanent value. (US)
- Increase the performance, exhibition, and transmission of art to all people throughout the state. (US)
- Deepen understanding and appreciation of the arts among all people statewide. (US)
- Cooperate with public and private institutions engaged in artistic and cultural activities, including but not limited to music, theater, dance, painting, sculpture, architecture, and allied arts and crafts and make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state. (1-MT)
- Administer cultural and aesthetic projects grant proposals approved by the legislature. (1-MT)
- Primarily responsible for the administration of percent for art for new state buildings. (2-MT)
- Encourage serious and meaningful art programs as part of basic education.
- Improve the institutional capacity of the best of our arts organizations to develop, produce, present and exhibit bold and varied fare. (US)
- Provide information about the arts, their artistic and financial health, and the state of their audiences. (US)
- Foster public interest in the cultural heritage of our state and expand the state's cultural resources. (1-MT)
- Assure preservation of our cultural heritage. (US)
- Stimulate increasing levels of non-Federal support of the arts. (US)
- Encourage and assist freedom of artistic expression essential for the well-being of the arts. (1-MT).
- The agency consists of one program which carries out the above goals through the following activities:
  - On-going programs, including services to cultural organizations and individual artists, providing artists' residencies in schools and communities, administering the Montana Folklife and Percent for Art in state buildings projects.
  - Council-initiated projects to conduct the following: Congressional Arts Caucus, Artists' Telegram, First Book Award, the Governor's Arts Awards, panel review of grant applications by discipline, evaluations of re-grants, funding SOS Technical Assistance to cultural organizations suffering severe economic impact at the local level, carrying out the federally mandated Cultural Congress every two years and promoting the arts in Montana in cooperation with regional and national service organizations.
  - Direct re-grants to cultural organizations and fellowships to individual artists through the council's annual re-grant and fellowship programs, performance underwriting to rural communities and immediate action grants for small unforeseen community initiated projects. Under section 22-2-301, MCA, the Council administers the Cultural & Aesthetic Projects biennial grants program, which applications are reviewed by a citizens' advisory panel and final allocations are made by the legislature.
- Assure preservation of our cultural heritage. (US)
- Stimulate increasing levels of non-Federal support of the arts. (US)
- Encourage and assist freedom of artistic expression essential for the well-being of the arts. (1-MT).
- The agency consists of one program which carries out the above goals through the following activities:
  - On-going programs, including services to cultural organizations and individual artists, providing artists' residencies in schools and communities, administering the Montana Folklife and Percent for Art in state buildings projects.
  - Council-initiated projects to conduct the following: Congressional Arts Caucus, Artists' Telegram, First Book Award, the Governor's Arts Awards, panel review of grant applications by discipline, evaluations of re-grants, funding SOS Technical Assistance to cultural organizations suffering severe economic impact at the local level, carrying out the federally mandated

Cultural Congress every two years and promoting the arts in Montana in cooperation with regional and national service organizations.

- Direct re-grants to cultural organizations and fellowships to individual artists through the council's annual re-grant and fellowship programs, performance underwriting to rural communities and immediate action grants for small unforeseen community initiated projects. Under section 22-2-301, MCA, the Council administers the Cultural & Aesthetic Projects biennial grants program, which applications are reviewed by a citizens' advisory panel and final allocations are made by the legislature.

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## Montana State Library

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### STATE LIBRARY OPERATIONS AUTHORIZATIONS:

15-35-108, MCA  
22-1-103, MCA  
22-1-235 - 331, MCA  
22-1-212 & 213, MCA  
22-1-103(6), MCA  
22-1-412 & 413, MCA  
PL 98-480  
TITLE 44, USC  
2 USC 135 (a)(b)  
20 USC 251 et. seq.  
(PL 101-254)

Coal Severance Tax  
State Library Commission  
Distribution of State Aid  
State Documents Depository  
Blind and Physically Handicapped Services  
State Library Commission  
Library Services and Construction Act  
Federal Depository  
Blind and Physically Handicapped Services  
Library Services and Construction Act

### GOALS AND OBJECTIVES:

#### State Library Operations:

There shall be a seven-member State Library Commission which acts as the governing body of the Montana State Library, and which shall hire as its executive officer a professionally qualified librarian, to carry out the statutory authority of the commission.

The state librarian shall act as the executive officer of the State Library Commission and shall perform the duties assigned by the commission and serve at the will of the commission.

The sixteen-member Montana Library Services Advisory Council is created by the State Library Commission with the approval of the Governor. It shall advise the commission, be representative of the state, make recommendations and, in particular, advise the commission on the Library Services and Construction Act (LSCA).

- To provide a well rounded, cost effective centralized service for all programs of the Montana State Library.
  - Compile and monitor all areas of the agency budget in a timely manner.
  - Receive and distribute all state and federal funding, including cash reports to the federal government, cash drawdowns, and audit of same.
  - Prepare financial reports for the State Library Commission six times annually
  - Prepare a accurate agency payroll for all employees 26 times annually and maintain all payroll records.
  - Develop and maintain the agency accounting system and monthly SBAS reports.
  - Prepare all SBAS daily transactions on the OEE system.
  - Maintain property records and perform annual physical inventories of equipment.
  - Purchase all supplies and equipment per proper procedures for the agency in the most cost effective manner.
  - Handle all personnel matters, including all processes for recruitment, development and implementation of personnel policies, maintenance of personnel files and staff orientation.
  - Provide support for meetings of the State Library Commission (6 meetings annually), and the Library Services Advisory Council (4 meetings annually), compose and distribute minutes of those meetings, and handle all required mailings
  - Produce quarterly news sheets for distribution to all Montana libraries; produce agency's annual report to the Legislature
  - Provide clerical support for the agency.

#### Statewide Library Resources:

- To provide information services to state government so the activities performed, programs provided, and decisions made by state government are informed decisions within well-researched programs
  - Statewide Library Resources unit of the Montana State Library will respond to 8,000 reference requests from state employees, providing answers to questions that surface as state business is conducted

- Statewide Library Resources unit of the Montana State Library will conduct over 500 online database searches to fulfill the state employees research needs as they prepare and manage state programs.
- Statewide Library Resources unit of the Montana State Library will request at least 2,500 items for state employees via the interlibrary loan system.
- Statewide Library Resources of the Montana State Library will provide information service leadership in an effort to connect all state agency libraries via electronics and/or automation enabling us to share the valuable resources available, to virtually all state employees in Helena and other parts of Montana.
- Statewide Library Resources Unit of the Montana State Library will maintain current level of services in the areas of collection development, federal and state publications depositories, circulation, shelving and filing so that needed and requested materials are quickly and effectively available to state employees.
- To carry out the State Library Commission's statutory authority to provide assistance and advice, and to provide essential back-up library services to the state's 684 libraries and all counties, cities, towns for establishing and improving libraries, and so that all Montanans have equal access to information.
  - The Statewide Library Resources will respond to 3,600 requests from libraries, providing answers to questions related to the provision of library service to the state's residents.
  - The Statewide Library Resources will meet in person, through continuing education presentations and/or on-site visits, with the director, staff, trustees, etc. of 150-200 libraries in the state.
  - The Statewide Library Resources will coordinate a statewide summer reading program for the state's 588 school and public libraries.
  - The Statewide Library Resources will provide assistance in the area of children's and young adult library services to the state's 588 school and public libraries.
  - The Statewide Library Resources will respond to 1,500 questions relating to library technologies and the provision of library services.
  - The Statewide Library Resources will communicate with the state's 684 libraries about current developments and trends, grant information, and library statistics through the Annual Library Directory, and the public library statistics.
  - The Statewide Library Resources will work with an identified 6-10 local governments, including tribal councils, regarding the provision of library service to all residents of the state.
  - The Statewide Library Resources will work with the government officials in the two counties in the state that currently do not have a public library or libraries.
  - The Statewide Library Resources will work with the tribal councils and appropriate area local governments regarding the provision of public library service to all residents of the area.
  - The Statewide Library Resources will work with 3-5 local governments in the state to ensure all residents of each of the counties are receiving library service.
  - The Statewide Library Resources will maintain a clearinghouse of information about continuing education opportunities for the state's librarians.
  - The Statewide library Resources unit of The Montana State Library will respond to at least 8,000 reference requests from librarians throughout Montana serving our citizens information needs.
  - The Statewide Library Resources unit of the Montana State Library will conduct over 500 online database searches for use by library patrons around Montana to fulfill their research needs.
  - The Statewide Library Resources unit of the Montana State Library will provide approximately 10,000 loans from the Montana State Library's collections to libraries and library users throughout Montana via the interlibrary loan systems.
  - The Statewide Library Resources unit of the Montana State Library will continue to conduct activities which strengthen the ability of local libraries and federations to provide information services (including interlibrary loans) to their users.
  - The Statewide Library Resources unit of the Montana State Library will complete the weeding project, so the State Library's collections more accurately reflect the Collection Management Policy and the needs of the State Library's users, by July 1995.
  - Statewide Library Resources Unit of the Montana State Library will maintain current level of services in the areas of collection development, federal and state publications depositories, circulation, shelving and filing so that needed and requested materials are quickly and effectively available to Montanans through their libraries.
- To operate a state publications depository system to make this information available to all citizens.
  - Statewide Library Resources unit of the Montana State Library will maintain the current level of acquiring and distributing approximately 6000 state publications. This effort avoids the unnecessary duplication of efforts - other agencies need not do their own publications distribution to Montana libraries.
  - Statewide Library Resources unit of the Montana State Library will maintain the current level of activities in establishing Montana name authorities for the Name Authority Cooperative Project (NACO), Library of Congress data base. We add approximately 400 names to the national database per year.
  - Statewide Library Resources unit of the Montana State Library will catalog approximately 700 state publications which allows for quick and easy access to the valuable information within the publications. Access is available to citizens throughout Montana.
  - Statewide Library Resources will honor our contractual agreements to maintain the state publications cataloging on WLN and OCLC, thus allowing for statewide as well as regional and national access to Montana's information resources.
- To carry out the State Library Commission's statutory authority to accept and administer any state or federal funds appropriated or granted to foster library service in the state by administering the LSCA program, Federation Support Funds, and Coal Severance

Tax funds in compliance with federal and state legislation, regulations, and commission requirements. (Programmatic aspects are critical here -fiscal aspects are covered by Administrative unit.)

- The Statewide Library Resources will be responsible for the development of the combined LSCA Titles I, II, and III grant application package to be distributed to all of the state's 684 libraries.
- The Statewide Library Resources will be responsible for providing assistance to approximately 100 of the state's 684 libraries in applying for a grant under the combined LSCA Titles I, II, III application package.
- The Statewide Library Resources will monitor all in process LSCA grant projects.
- The Statewide Library Resources will be responsible for all reporting to the Department of Education on the use of LSCA funds in Montana and will coordinate the quarterly cash reports with the Agency's Accounting office.
- The Statewide Library Resources will be the staff to the Advisory Council for the grant process, coordinating all arrangements from distribution of applications to the review of applications and recommendations for funding
- The Statewide Library Resources will annually apply the formula, approved by the State Library Commission, to the amount appropriated to the state's 83 public libraries for direct state aid and authorize distribution of the funds. •The Statewide Library Resources will review the contracts for library service for the two counties receiving state aid that have no public library service in the county.
- The Statewide Library Resources will work with 15-20 local governments about the budgeting for and/or auditing of these funds.
- The Statewide Library Resources will authorize distribution annually of the funds appropriated for federation support as well as the quarterly distribution of the Coal Severance Tax Funds appropriated for the federations.
- The Statewide Library Resources will review the Annual Plan of Service for each of the 6 federations and the Annual Budget and Narrative Report for each and make recommendations to the State Library Commission to accept and/or approve/disapprove each. (Note: All 83 public libraries are members of a federation.)
- The Statewide Library Resources will meet bi-monthly with the coordinators of the federations and will provide 6 continuing education workshops for the federations.
- To carry out the commission's statutory authority to furnish library assistance and information services to residents of those parts of the state inadequately serviced by libraries.
  - The Statewide Library Resources will provide on-site library service to the patients at the State Hospital in Warm Springs.
  - The Statewide Library Resources will contract with four of the state's public libraries to provide library services to the residents of 5 state institutions (Eastmont, Montana Center for the Aged, Montana School for the Deaf and Blind, Swan River Youth Camp, and Columbia Falls Veteran Home).
  - The Statewide Library Resources will provide assistance and support to libraries in 6 state institutions (Galen-Main, Lighthouse/ASC, Montana State Prison, Pine Hills, Mountain View, Boulder Developmental Center, and the Women's Correctional Center).

#### Montana Talking Book Library Services:

- To provide and maintain recorded and braille library materials, playback equipment and library service to all Montana citizens who, because of a visual or physically handicap, cannot read standard print
  - Circulate approximately 156,000 recorded books and 1826 magazines per year to the 2400 Montana citizens who are patrons of the program.
  - Contract with Utah State Library to provide braille service to the 30 Montana citizens who have requested it.
  - Provide readers' advisory service by responding to 6,300 phone calls per year, aiding in book selection and receiving and acting on all patron requests or complaints
  - Promote and conduct a Summer Reading Program for the 150 juvenile patrons between the ages of 4-14
  - Maintain a current, usable collection of recorded books.
    - by selecting and adding 1,832 titles each year, by weeding and shifting the collection; by replacing or repairing lost or damaged books
  - Maintain inventory control of approximately 4725 playback machines including the receipt of 148 new machines each year, the distribution of 1330 pieces of playback equipment to patrons; and the cleaning and repair of 630 pieces of equipment.
  - An eight node LAN will be provided, maintained and improved as needed to provide the most efficient and effective means of book circulation, readership information and machine inventory
- To coordinate volunteer work throughout the library.
  - Interview, train and assign work to the 70 volunteers work at the state library.
  - Write job descriptions for various duties performed by volunteers.
  - Serve as Library liaison for RSVP (Retired Senior Volunteer Program) and Green Thumb program
- To record and make available to patrons books of regional interest not recorded by the National Library Service.
  - Manage, maintain and administer the Montana Cassette Book Program at the Montana State Library and the Montana State Prison
    - Record at least 40 books per year, duplicating 12 copies of each title.
    - Recruit, interview, orient, train, supervise and evaluate 25 volunteers and inmate employees for recording program
    - Ensure all recordings meet technical standards as defined by the National Library Service
    - Clean recording equipment annually and replace parts as needed

## NATURAL RESOURCE INFORMATION SERVICES AUTHORIZATION:

90-15-101, MCA	Purpose
90-15-102, MCA	Definitions
90-15-201, MCA	Duties of Committee
90-15-301, MCA	Establishment of Information System
90-15-302, MCA	Natural Heritage Program
90-15-303, MCA	Interagency Cooperation
90-15-304, MCA	Availability of Information
The Endangered Species Act, Section 6	Cooperation with the States

## GOALS AND OBJECTIVES:

The library, in consultation with the committee, shall establish a planning framework for the implementation of a natural resource information system and shall begin implementation of the plan. This system is to be a comprehensive program for the acquisition, storage, and retrieval of existing data relating to the natural resources of Montana.

NRIS receives no general funds from the state for its base level funding. NRIS is funded by a complex mix including Resource Indemnity Trust fund (RIT) set aside, Montana Department of Fish, Wildlife, and Parks license fees, Office of Surface Mining federal funds via the Montana Department of State lands, Montana Department of Transportation state/federal matching funds, and contracts and grants from state, federal, and private entities.

- Operate a comprehensive program for the acquisition, storage, and dissemination of data relating to the natural resources of Montana.
  - Through the Natural Heritage Program (NHP) the Water Information System (WIS, and the Geographic Information System (GIS), inventory existing natural resource information.
  - Through the NHP, WIS, and the GIS manage a timely, cost-effective clearinghouse and referral service to link users with the best sources of natural resource information.
  - Through the NHP, WIS, and the GIS identify gaps in natural resource information.
  - Through the NHP, WIS, and the GIS and cooperation with other entities, assist in filling information gaps.
  - Serve as liaison and coordinate among agencies that collect, manage or use the same types of natural resource information to prevent duplication of effort and promote information sharing.
  - Through the NHP, WIS, and the GIS assist in the development of standards for the collection of natural resource information.
  - Coordinate and support natural resource agency libraries indexing and cataloging efforts of their data holdings.
  - Develop and implement a strategy for on-line access to natural resource databases.
  - When appropriate, develop and make available the *tools* for the access and use of natural resource information.

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## Montana Historical Society

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## ADMINISTRATION AUTHORIZATIONS:

22-3-101 MCA	Historical Society
22-3-107 MCA	Authority of the Board
22-3-108 MCA	Function of Director
22-3-111 MCA	Financing of Society

## GOALS AND OBJECTIVES:

To provide overall direction and management for the society to achieve the goals and statutory responsibilities.

- The management of the society includes supervising five programs of the society.
- To serve as a spokesperson and fundraiser for the agency. (1-MT)

To maintain fiscal management and personnel management of the society. Management consists of budgeting, accounting, fiscal reporting, maintenance and operating SBAS, monitoring federal grants and contracts, all personnel matters for the agency and, in addition, supervising the Security Unit. (2-MT)

To provide overall security for collections of the society.

- Security includes maintenance of the intrusion security system, passive observation of visitors, crowd control etc.
- Information is provided to the visiting public. (1-MT)



To administer the Volunteer Program and provide interpretation of Montana history, art and culture through tours, school services, conferences, workshops and other public events. During FY92 the Society had 120,369 visitors, not only from all over the United States but the world as well, including individuals, adult tours, school tours, etc. (3-MT)

#### **LIBRARY/ARCHIVES PROGRAM AUTHORIZATIONS:**

22-3-103 MCA	Historical Library
22-3-107 MCA	Board Authority
22-3-201-221 MCA	Preservation of Records

#### **GOALS AND OBJECTIVES:**

To develop and improve the state and nation's most comprehensive collection of research materials for Montana history through purchase, donation, and exchange. (1-MT)

- To acquire annually at least 3,700 published items, 3,500 photographs, and 700 linear feet of manuscripts and records

To assist the public in the use and enjoyment of the program's collections by providing courteous, timely and accurate reference assistance to visitors in the public reference room, to requests for information received by mail and telephone, by providing copy prints of photographs, and through the loan of selected materials via interlibrary loan. (2-MT)

- To provide annually reference services to 14,000 patrons, produce 2,500 photographic prints, and fill 650 interlibrary loan requests. To make the collections accessible and useful to the public through their proper and timely accessioning and processing, the production of appropriate catalogs, inventories and other finding aids, and by participation in the Western Library Network, an automated regional data base.
- To process and catalog annually 3,800 published items, 2,000 photographs, and 300 linear feet of manuscript and/or state records material, and enter holdings for 1,200 titles to WLN.
- To preserve the collections for the use and enjoyment of future generations through proper processing, handling, storage, security, environmental controls, and knowledgeable application of preservation technologies and methodologies, including microfilming.

To annually provide preservation treatment to 300 published items, 18,000 photographs, 1,500 archival items, and microfilm the annual/biennial issues of 50 Montana newspapers. (3-MT)

#### **MUSEUM AUTHORIZATIONS:**

22-3-101 MCA	Historical Society
22-3-103 MCA	Independence from other libraries, museums, or galleries
22-3-107 MCA	Authority of Board
22-3-110 MCA	Decor of Quarters
22-3-111 MCA	Financing of Society
22-3-201-221 MCA	Preservation of Records
22-3-501-563 MCA	Museum Loan Act

#### **GOALS AND OBJECTIVES:**

- To systematically develop and improve the museum's permanent collection through the acquisition of artifacts appropriate to the mission of the Society, i.e., items that pertain to the history of Montana and the geographic region.
- To preserve the collections for the use and enjoyment of future generations through the maintenance and improvement of clean, safe and controlled environments; the adherence to museum standards of collections care; the improvement of collections management, specifically by automating permanent records, and the expansion of our commitment to artifact conservation. (1-MT)
- To provide quality educational exhibits and programming for our expanding statewide and national audiences through the maintenance and upgrading of permanent exhibits; the development of at least one major temporary exhibit per year, the development of occasional traveling exhibits for statewide distribution; and the planning and implementation of educational programming to reach as many segments of our audience and the largest number of people as possible with a variety of activities. (2-MT)
- To provide accurate information on historical and technical subjects to individuals, representatives of cultural organizations, governmental agencies, the educational community and others through the timely response to inquiries about the museum collections; assistance to scholars and students working on museum-related topics; the maintenance and distribution of photographs of museum collections; technical assistance provided to other museums and cultural institutions; and the presentation of programs related to material culture and technical topics to interested groups throughout the state. (3-MT)
- To preserve the collections for the use and enjoyment of future generations through the maintenance and improvement of clean, safe and controlled environments; the adherence to museum standards of collections care; the improvement of collections management, specifically by automating permanent records; and the expansion of our commitment to artifact conservation. (1-MT)
- To provide quality educational exhibits and programming for our expanding statewide and national audiences through the maintenance and upgrading of permanent exhibits; the development of at least one major temporary exhibit per year, the development of occasional traveling exhibits for statewide distribution, and the planning and implementation of educational

programming to reach as many segments of our audience and the largest number of people as possible with a variety of activities. (2-MT)

- To provide accurate information on historical and technical subjects to individuals, representatives of cultural organizations, governmental agencies, the educational community and others through the timely response to inquiries about the museum collections; assistance to scholars and students working on museum-related topics; the maintenance and distribution of photographs of museum collections; technical assistance provided to other museums and cultural institutions; and the presentation of programs related to material culture and technical topics to interested groups throughout the state. (3-MT)

#### **PUBLICATIONS AUTHORIZATIONS:**

22-3-107(15) MCA  
22-3-111 MCA

Promote the study of Montana history by lectures and publications  
Financing of Society

#### **GOALS AND OBJECTIVES:**

- To continue publication of Montana The Magazine of Western History, the state's award-winning quarterly history journal, the only one of its kind, which is distributed throughout Montana, in all 50 states, and to 15 foreign countries. (1-MT)
- To distribute each year of the 1995 Biennium some 46,000 copies of the magazine, including more than 1,000 copies to Montana schools and libraries and more than 1,000 copies to out of state schools and libraries; to review almost 200 prospective manuscripts; and edit and publish some 100 articles on Montana and the West.
- To continue operation of the Montana Historical Society Press, the state's only scholarly book publishing house, which distributes some 12,000 books on Montana history and literature each year and which has won awards for quality and significance of its projects. (2-MT)
- To review 30 book-length manuscripts and proposals and edit and produce 2 to 4 books each year.
- To continue operation of the Montana Historical Society Museum Store, which distributes quality books and related items on Montana and western history, which provides assistance and guidance to more than 28,000 patrons each year, and which is the sole source of funding for the Montana Historical Society Press over and above sales of press books. The Museum Store serves as a primary outlet for Press books. (2-MT)
- To continue publication of the Montana Post, the society's quarterly newsletter, and other occasional publications provided as a public service by the Society. (3-MT)
- To write, edit, and produce some 50,000 items related to Montana history and educational dissemination.

#### **HISTORIC SITES PRESERVATION AUTHORIZATIONS:**

22-3-401 through 22-3-442 MCA  
16 U.S.C. 470

28 U.S.C. 48(g)

MT Antiquities Authority and Preservation Office Duties  
National Historic Preservation Act: Outlines actions required to receive federal preservation funds and participate in National Register programs  
Internal Revenue Code that outlines procedures for certified preservation rehabilitation

#### **GOALS AND OBJECTIVES:**

To persuade and inspire Montanans to preserve sites and buildings significant to an understanding of Montana's prehistoric and historic past through research, recordation, education, and recognition. Specifically, to:

- Research and nominate at least 500 properties (individual and contributors to districts) to the National Register of Historic Places each year and offer all National Register owners access to our sign program.
- Secure federal funding for, at least two local community, county, or historical or archaeological organization projects for systematic Register research of neighborhoods, geographic regions, or types of properties. (1-MT & US)
- Secure private funding for pilot place and site survey projects that can guide further Montana preservation work.

To provide owners of significant historic and prehistoric sites and buildings (including elected local officials, tribes and agency managers) with detailed technical preservation assistance, information, and effective, user-friendly access to any available financial incentives, especially state and federal incentives targeted for preservation. Specifically, to:

- Answer letter, phone, and personal requests for information and presentations, with public education programs, technically-sophisticated staff and adequate catalogs, site and survey report file information, and journals; and with workshops and training sessions.
- Actively assist annually at least seven historic buildings owners to use federal historic preservation income tax credits for substantial rehabilitation of buildings.
- Secure, award, and administer federal grant funds for regrant to local Montana governments with preservation commissions and ordinances; and when such federal funds are authorized and appropriated by Congress, secure, award, and administer a competitive, rehabilitation regrant program for owners of property listed in the National Register. (2-MT & US)

To minimize inadvertent harm to Montana's significant historic and prehistoric buildings and sites by providing data and comments to federal and state agencies on their proposed projects, decisions, and licenses. Specifically;

- Respond annually to at least 2,000 requests for comments from federal and state agencies on site values, effects of projects, anticipated likelihood of site existence, and the nature of study needed to avoid site.
- Develop alternate and more efficient means for those agencies to comply with federal regulations.
- The need to seek our comments, the nature of our comments, and the time afforded us to provide comments are established in federal and state preservation law and detailed in regulations. (3-MT & US)

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## Fire Services Training School

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### FIRE SERVICES TRAINING SCHOOL AUTHORIZATIONS:

20-31-103, MCA

Coordinate fire services training in the state

### GOALS AND OBJECTIVES:

The goals of the Fire Services Training School are:

- to provide a training resource center for use by local emergency services;
- to provide relevant, valid curriculum which meets the needs of community emergency services;
- to promote the sharing of resources between communities;
- to promote and support the development of leadership capacity in local emergency services;
- to promote sustainable emergency response organizations;
- to maintain an accredited professional certification program for fire and rescue personnel.

The objectives of the Fire Services Training School are to:

- publish and distribute 36 times annually training information for local emergency services;
- provide certification testing to 100% of those requesting same within 30 days of request;
- offer 500 training or professional development opportunities annually;
- be present at 90% of statewide meetings of fire services personnel;
- provide an even distribution of outreach statewide;
- hold three advisory council meetings annually;
- revise certification rules every two years, after public hearings; and
- gain college credit for training delivered.

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## Department of Fish, Wildlife & Parks

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### ADMINISTRATION AND FINANCE DIVISION AUTHORIZATIONS:

17-1-102, MCA

17-2-101, MCA

17-6-105, MCA

17-6-201, MCA

17-8-201, MCA

87-1-601 through 615, MCA

18-4-221 through 223, MCA

17-7-101 through 502, MCA

2-18-101, MCA

2-6-101, MCA

39-2-101, MCA

39-30-101, MCA

39-29-101, MCA

39-31-101, MCA

87-1-205, MCA

87-2-101 through 1004, MCA

87-4-304, 87-4-407, 87-4-503, MCA

87-4-603, 87-4-804, 87-4-905, 87-4-1004, MCA

16 U.S.C. 669-669b, 669c-669i

16 U.S.C. 777-777k

Uniform Accounting System and Expenditure Control

Treasury Fund and Accounts

Depositing of State Receipts

Unified Investment Program

Authorization for Disbursements

FWP Accounting Requirements

General Procurement Act

Budgeting and Appropriations Act

State Employee Classification, Compensation and Benefits

Employee Record Keeping

Employment Relations

Handicapped Persons Public Employment Preference

Veteran's Public Employment Preference

Public Employees Collective Bargaining

FWP Grievance Procedure

Fishing, Hunting and Trapping Licenses

Other Licensing Requirements

Federal Aid Administration

Federal Aid in Wildlife Restoration Act of 1937

Federal Aid in Sport Fish Restoration Act of 1950, as amended in 1984

## **GOALS AND OBJECTIVES:**

### Accounting:

Provide accounting functions to all divisions and regions in accordance with generally accepted accounting principles and in compliance with state and federal laws and regulations.

- Process payments to all vendors in timely fashion. (1-MT)
  - Prepare biweekly payroll and make personnel changes. (1-MT)
  - Record receipts and deposit department revenue. (1-MT)
  - Bill for services rendered or goods provided. (1-MT)
  - In accordance with state and federal regulations, prepare a federal indirect cost proposal. (2-MT)
- Manage the department's cash balances and investments to allow for optimum interest earnings. (2-MT)

### Property and Purchasing:

Develop and implement policies for the procurement and inventorying of equipment and for the management and purchase of the department's vehicle fleet.

- Provide purchasing assistance and training to appropriate personnel. (2)
- Annually negotiate the delegated purchasing agreement with the Department of Administration. (2)
- Update the FWP purchasing manual to reflect changes in law and policy. (1-MT)
- Record the acquisition, disposal and transfer of all department property. (2-MT)
- Inventory all department property once every two years. (2)
- Set standards for maintenance, usage and replacement of department vehicles. (3)
- Purchase replacement vehicles as needed. (3)

### Budgeting:

Coordinate the preparation and submission of the biennial budget request and the annual budget allocation and assist management in monitoring budgets for compliance with legislative mandates.

- Prepare the biennial budget request in accordance with state law. (1-MT)
- Plan and direct the allocation of both the operations and capital budget in accordance with legislative intent (as defined by OBPP and LFA). This includes production and maintenance of the computerized system used by managers to allocate annual operation budgets. (1-MT)
- Quarterly provide an analysis of all revenues, expenditures and cash balances. (2-MT)
- Annually provide fiscal management training to FWP managers. (2)

### Data Processing:

Provide computer support for mainframe and personal computers.

- Develop and maintain all mainframe computer systems in accordance with standards established by the Department of Administration.
- Application systems include, but are not limited to:
  - accounting systems;
  - license drawings;
  - nonresident combination licenses; and
  - license agent remittance accounting. (1)
- Acquire, install, configure and repair as needed all PC hardware and software systems. (2)
- Manage and support the department's internal computer network systems. (3)
- Develop and support customized PC software unique to FWP in accordance with Department of Administration standards. (3)
- Acquire new or replace obsolete PC equipment and provide training throughout the department as directed by the Data Processing Steering Committee. (3)
- Offer specialized data processing services to internal users in the form of desktop publishing, charts, graphs, etc.

### Personnel Administration:

To provide comprehensive, centralized, full-service personnel operations for the department.

- Develop/review for compliance all personnel related policies (recruitment and selection, reduction in force, complaints, moving, etc.). (2-MT)
- Prepare/update the department's affirmative action plan. (2-MT)
- Negotiate and monitor compliance with the warden and biologists collective bargaining agreements. (2-MT)
- According to agency policy, investigate complaints against department employees. (2-MT)
- Monitor to assure performance appraisals are complete and timely. (2-MT)
- Review classification and pay actions for compliance with Department of Administration guidelines. (2-MT)

- Offer training/advice to agency management on development of position descriptions, hiring strategies, interviewing techniques, discipline handling and work force diversity. (2)

#### Licensing:

Administer the sale of over \$25 million annually in hunting and fishing licenses in accordance with state law and commission policy.

- Process 40,000 applications for 23,000 nonresident combination licenses. (1-MT)
- Process 140,000 applications for the big game license drawings for special permits to assure proper handling of: landowner preferences, first/second/third choices, party applications, and hunting district quotas. (1-MT)
- Design, order and consign 1.2 million licenses to 450 license agents across the state before March 1 of each year. (1-MT)
- Monitor monthly license agent reports for remittance requirements.
  - Revoke dealerships when license agents do not comply with the law.
  - Issue license dealerships to those who qualify under state law and rules. (1-MT)
- Provide for complete and accurate accounting for license sales.
- Respond to all telephone calls and correspondence with residents and nonresidents regarding special licensing policies and procedures. (2)

#### Federal Aid:

Obtain and administer \$9 million annually in Federal Aid in Sport Fish & Wildlife Restoration funds (PR&DJ).

- Assure that projects are developed, executed and completed in accordance with federal and state requirements. (2-U.S., MT)
- Establish and maintain management control systems to meet requirements to participate in the Federal Aid in Wildlife and Sport Fish Restoration programs. (2-U.S.)
- Assure the department spends all state hunting and fishing license revenues for eligible purposes only, so as to assure continued receipt of the federal funds. (2-U.S., MT)

#### Administrative Support:

Provide computer support and technical word processing, spreadsheets, graphics, and special projects to all areas of the department, as well as administrative assistance to division personnel.

- Complete the more complicated graphics and lengthy report assignments required by division personnel. (2)
- Set up and maintain standardized forms and mailing lists utilized by all personnel. (3)

### **FIELD SERVICES DIVISION AUTHORIZATIONS:**

Title 23 and 87 MCA

Provides primarily for Field Services Division

### **GOALS AND OBJECTIVES:**

#### Administration:

Responsible for the administration of the Field Services Division which includes fiscal and human resource management, Disabled Access coordination is administered at this level. (01)

#### Landowner/Sportsmen Relations:

Established to improve the working relationships of landowners, sportsmen, and the department, and which includes recognition of the contributions made by the private landowner in providing habitat and recreational access with efforts such as the Block Management Program.

- Game Damage. 87-1-225, MCA. (MT-1)
  - Regulation of wild animals damaging property. The Game Damage Program assists landowners experiencing wildlife depredation to their property or crops.
  - Professionally address over 500 game damage complaints annually.
  - Increase efforts at long term solutions such as providing materials for permanent hay stacking yards.
- Block Management. (MT-2)
  - The Block Management Program is designed to alleviate some of the burdens landowners experience in association with recreational hunting while ensuring continued free access to private lands for the hunting public.
  - Provides public hunting access to over 4 million acres of private land including at least 450 landowners.
- Landowner/Sportsman Coordination. (MT-2)
  - To open and maintain lines of communication among landowners, hunters, anglers and the department, and to provide information and assistance in the cooperative management of recreation on private lands.

#### Design and Construction Bureau:

This Bureau supports the department's capital program 18-2 et seq MCA. Projects costing less than \$25,000 are designed by the Design and Construction Bureau, all other projects are coordinated with the Department of Administration, consultants, and contractors 23-2 et seq. MCA. The bureau plans and develops outdoor recreational resources. 87-1-702, MCA. Authority to acquire and develop lands

and other property under the provisions of the federal Pittman Robertson Act. The bureau complies with ADA and Section 504 of the Rehabilitation Act of 1973. ARM Rule 16.45.101 and 102: Rules adopted by the DHES pertain to underground storage tanks.

- Historic Preservation Coordination. (MT-1)
  - Responsibilities assigned to the Landscape Architect position.
  - Coordinate historic and archeological assessments for department properties and facilities.
  - Initiate cultural assessments on all properties at the onset of each project. (90 per year)
- Contract Administration. (MT-1)
  - Projects costing over \$25,000 are coordinated with the Department of Administration, consultants and contractors. (90 per year)
- Design. (MT-2)
  - Position is responsible for design and layout of interpretive displays and informational signing at FWP facilities and headquarters and regional visitor's centers.
  - Four to six hundred signs, displays, and associated lay-out projects are created annually.
- Sign Shop. (MT-3)
  - Construction of interpretive displays and informational signs at FWP facilities and headquarters and regional visitor's centers. Located in Whitehall.
  - Six hundred signs are produced by the sign shop each year. These signs consist of routed wood signs as well as silk screen work.
- Engineering Services. (MT-2)
  - Design development of site improvements on department lands.
  - Design and Construction is responsible for design of 90 projects a year. This work is accomplished prior to going out to bid for contracted services. There are 170 active projects in which 40 projects are completed annually. Approximately 4 to 5 million dollars are spent per year.

#### Lands Section:

A large portion of this section's mission is supports the department's Capital Assistance program. The Land Section provides technical real estate assistance the department. 87-1-603, MCA; Payment in Lieu of Taxes; 23-2-101, MCA; 23-2-103(4), MCA; PL85-470, MCA; 87-1-701, MCA; 87-1-702, MCA; 87-1-703, MCA; 87-1-708, MCA; 87-1-709, MCA; Lands Programs and Federal Aid; 23-1-102, MCA; 87-1-601, MCA; 87-1-605, MCA; 87-2-722, MCA; 87-2-724, MCA; State Legislation for Department Real Estate Programs.

- Acquisition. (MT-1)
  - Over 25,000 acres of wildlife habitat and fishing access sites have been acquired in the last three years.
- Disposal. (MT-1)
  - To dispose of surplus properties that are not deemed for the best interest of the public. This also involves land trades.
- Leases/Easements. (MT-1)
  - Approximately 50,000 acres are managed through the use of leases, easements, and MOU's
- Taxes. (MT-1)
  - Approximately \$260,000 in taxes are paid annually, this figure is expected to increase 6% next year.
- Records (Data Maintenance). (MT-3)
  - Maintains comprehensive and accurate land data base for internal and external use.
  - The computerization of all permanent land records totaling 3,000 land files and 300,000 pages of records.
  - Establishing Geographic Information System (GIS) for department lands.

#### Aircraft Unit:

The function of the Aviation Unit is to manage and plan the safe and efficient use of highly complex aircraft and equipment in support of department programs. Department policy: operations are done in accordance with FAR Part 135. Department pilots must maintain current FAA Commercial License and FAA Medical. All chartered aircraft under contract must meet FAA, Part 135 standards. Chartered Aircraft and Pilots: 67-3-201, MCA, Aircraft Registration; 67-3-211, MCA, Airman Licensing; 67-3-102(4), MCA, (Airmen operating public aircraft are exempt from 67-3-211, MCA) 67-3-401 and 8.106.602, ARM, Commercial Air Operators and Insurance Compliance. Contractor must provide proof of compliance with the above statutes prior to entering into a contract.

- Transportation. (MT-2)
- Fish Planting & Survey. (MT-2)
- Wildlife Survey. (MT-2)
  - The Aircraft Unit provides aerial mountain lake surveys and fish stocking, wildlife surveys, wildlife capture and marking, and transportation flights for the department. There is approximately 1400 hours of flight logged each year.

#### **FISHERIES DIVISION AUTHORIZATIONS:**

87-5-501, MCA  
 75-7-101, MCA  
 87-1-255, MCA  
 75-5-101, MCA  
 87-3-201, MCA

Stream Protection Act of 1965  
 Natural Streambed and Land Preservation Act of 1975  
 River Restoration Act of 1989  
 Montana Water Quality Act  
 Department Control over Fish Hatcheries

87-1-605, MCA	Fees to Purchase Recreational Facilities
87-1-701-703, MCA	Assent to Dingle-Johnson Bill
87-4-602, MCA	Seining Licenses
87-4-609, MCA	Regulation of Commercial Taking of Fish Food Organisms
87-1-210, MCA	Research, Training and other Projects
87-4-603, MCA	Fish Pond License for Artificial Lake or Pond
87-5-101-103, MCA	Nongame and Endangered Species Conservation Act
87-3-204, MCA	Restrictions on Fishing Methods
87-3-221, MCA	Importation of Salmonid Fish or Eggs
87-1-201, MCA	Powers and Duties
85-2-101, MCA	Montana Water Use Act
85-2-436,437, MCA	Water Leasing Study (HB 707)
33 H.S.C. Sect 404 of Clean Water Act	42 U.S.C. Comprehensive Environmental Response, Compensation and Liability Act
16 U.S.C. 791	Federal Power Act
P.L. 96-501	Northwest Power Act
P.L. 93-205	Endangered Species Act

## GOALS AND OBJECTIVES:

To preserve the aquatic habitats of Montana in as natural a condition as possible.

- Maintain the physical stream habitats through administration of the Stream Protection Act (1963), active involvement in the Natural Streambed and Land Preservation Act of 1975 (SB 310), and review and comment on other agency permitting actions. (1-MT)
- Preserve and protect water quality through liaison with DEQ, EPA, DNRC, and other regulatory agencies; review and comment on NPDES and field investigation of water quality problems and fish kills (2-MT,US)
- Improve water quality in degraded streams through active participation in Superfund clean up activities, NRDA and 319 programs. (2-MT,US)
- Provide opportunities for stream enhancement through administration of the River Restoration Program. (2-MT)
- Provide education efforts to other agencies and landowners by co-sponsoring three stream mechanics workshops and two stream management publications. (3-MT)
- Collect information on residues of bioaccumulative substances in Montana fishes; coordinate health advisories with state epidemiologist.

To maintain adequate streamflows and reservoir water levels for the perpetuation of Montana's fishery and aquatic resources.

- Protect and maintain FWP's existing instream flow rights and water reservations. (1-MT)
- Work with reservoir operators to develop fish, wildlife and recreation guidelines for incorporation into their reservoir operating plan. (1-MT)
- Pursue streamflow protection and enhancement in the Upper Clark Fork Basin through participation in the Upper Clark Fork Basin steering committee. (2-MT)
- Participate in drought-related activities. (2-MT)
- Enhance streamflows on dewatered streams through the water leasing program. (2-MT)
- Through interstate coordination activities insure proper management of federal reservoirs and downstream river reaches to protect Montana's fisheries. (3-US)
- Participate in Ruby River Task Force and Big Horn River Watershed Committee to improve streamflows and reservoir operations.
- Ensure a valid adjudication of existing water rights through participation in the Montana water adjudication process by reviewing 12 SB 76 decrees. (3-MT)

To manage the state's fishery by providing long-term strategic and water-specific management planning and by setting sport and commercial fishing regulations based on biological limits for specific waters with consideration for angler preferences.

- Develop and implement Whirling disease research and management strategies in conjunction with the Governor's Whirling Disease Task Force.
- Develop and implement management plans in cooperation with other divisions and the public for all major waters in the state. (1-MT)
- Set and distribute commercial and sport fishing regulations statewide to protect, enhance and develop fishing opportunities. (1-MT)
- Implement and maintain a statewide and water specific angler use, harvest and creel surveys statewide. (2-MT)
- Develop and implement surveys to assess fish population dynamics and to evaluate effectiveness of management efforts (2-MT)
- Develop an effective aquatic education and angler ethics program for all anglers. (2-MT)
- Fish management activities on warm water lakes (110,000 angler-days) (2-MT)
- Fish management activities on warm water streams (100,000 angler-days) (3-MT)
- Regulate 30 fishing contests throughout the state to protect the resource and provide sport fishing opportunities (3-MT)

To provide public access to state waters for recreational fishing through acquisition, development and maintenance of fishing access sites and administration of the motorboat access program statewide

- Develop an adequate funding base for development and maintenance of sites. (1-MT,US)
- Develop site specific management and development plans for each site statewide (2-MT)

- Identify waters in need of additional access and develop strategies to meet access needs. (2-MT)
  - Inventory 300+ existing sites and dispose of surplus sites or acres to meet access needs only. (3-MT)
- To operate an effective and efficient cold and warm water hatchery system to provide stock for waters with inadequate natural reproduction or extensive harvest and to protect and enhance the health and genetic integrity of our existing fishery for a variety of management needs.
- Maintain three captive broodstocks to meet management needs statewide (westslope cutthroat, Yellowstone cutthroat, regular arlee rainbow). (1-MT)
  - Perform fish health assessments and genetic monitoring on both captive and wild stocks to maintain healthy populations. (1-MT)
  - Plant cold and warm water lakes and reservoirs statewide. (1-MT)
  - Develop reliable, stable, wild egg sources for walleye, rainbow, kokanee and northern pike to meet management needs. (2-MT)
  - Perform 15 fish health assessments for private operators to protect the state's fishery. (2-MT)
  - Plant 215 small warm and cold ponds. (3-MT)
  - Plant 150 high mountain lakes. (3-MT)
- To restore fisheries impacted by hydroelectric development.
- Mitigate for damages to stream and reservoir fisheries caused by hydropower development in Western Montana through implementation of the fish and wildlife program of the NWPPC. (1-US)
  - Mitigate for damages to stream and reservoir fisheries caused by hydropower development in Montana through involvement in FERC licensing and relicensing activities on Missouri River MPC dams and WWP dams on the lower Clark Fork River. (1-US)
  - Mitigate for damages to stream and reservoir fisheries caused by hydropower development in Montana through involvement in FERC licensing and relicensing activities on remainder of privately owned hydropower dams. (2-MT)
  - Review and evaluate 4 new small scale hydro applications. (3-US)
- To ensure the continued existence of Montana's native fish species through development of Species of Special Concern programs and involvement in T&E species recovery efforts.
- Develop and implement a recovery program for the fluvial Arctic grayling in the Big Hole River and elsewhere in its range in Montana. (1-MT)
  - Develop a management and recovery program for bull trout. (1-MT)
  - Participate in recovery plan efforts for pallid sturgeon. (1-MT)
  - Develop a management plan for the westslope and Yellowstone cutthroat trout. (2-MT)
  - Develop a management plan for paddlefish. (2-MT)
  - Develop and establish Nature Species Management Areas. (3-MT)
- To conduct relevant fishery and aquatic research through existing department studies or outside contractors or the universities.
- Maintain division's ability to address specific management and research needs. (1-MT)
  - Fund coop fisheries unit to continue research projects. (2-MT)
  - Fund paddlefish research with funds provided by the paddlefish roe program. (2-MT)
  - Fund research to meet management needs as required. (3-MT)
  - Develop and administer 4 special university research grants. (3-MT)

#### **ENFORCEMENT DIVISION AUTHORIZATIONS:**

Title 23 part 1	State Parks
Title 23 part 3	Recreation use of Streams
Title 23 part 5	Boats
Title 23 part 6	Snowmobiles
Title 23 part 8	Off-Highway Vehicles
Title 87	Fish and Wildlife
Chapter 1	Organization and Operation
Chapter 2	Fishing, Hunting and Trapping Licenses
Chapter 3	Restrictions and Regulations
Chapter 4	Commercial Activities
Chapter 5	Wildlife Protection
Section 15-30-303	Confidentiality of Tax Records
Section 45-6-101	Criminal Mischief (Trespass)
Section 70-16-301	Recreation Purposes Defined
Section 81-7-102	Predator Animal - Control
Section 77-1-801(1)	Enforcement State Lands - Access Fee
Section 75-10-212, 213, 233	Littering on public property and/or private property where recreation is permitted
.Section 77-5-104	Fire Wardens

#### **GOALS AND OBJECTIVES:**

Goal 1: To provide protection for fish, wildlife and habitat resources through regulation and education ensuring equitable outdoor recreational opportunities.



Objective 1A: FISH AND WILDLIFE COMPLIANCE: To maintain present level of compliance of fish and wildlife regulations.

PERFORMANCE MEASURES

1A1 Contact a minimum of 20% of license holders each year for compliance checks.

*PROJECTED*

	1992	1993	1994	1995	1996	1997	1998	1999
# of sportsperson	444,800	461,063	481,898	NA	NA	540,000	560,000	580,000
# of contacts	96,222	97,514	94,472	93,143	NA	108,000	112,000	116,000
# of violations	5,718	5,560	5,951	5,611	NA	5,700	5,800	5,900
contact rate = cont/sportsperson	21.6%	21.1%	19.6%	NA	NA	20.0%	20.0%	20.0%

1A2 Maintain number of landowner contacts.

*PROJECTED*

	1992	1993	1994	1995	1996	1997	1998	1999
landowner contacts	8,786	7,857	8,174	9,804	NA	9,800	9,800	9,800

1A3 Maintain 95% conviction rate of fish and wildlife case prosecutions.

*PROJECTED*

	1992	1993	1994	1995	1996	1997	1998	1999
# cases prosecuted	3,310	3,282	3,161	NA	NA	3,200	3,300	3,400
# convictions	3,252	3,221	3,082	NA	NA	3,040	3,135	3,230
conviction rate = convictions/cases	98.2%	98.1%	97.5%	NA	NA	95.0%	95.0%	95.0%

1A4 Maintain specialized law enforcement programs.

*PROJECTED*

	1992	1993	1994	1995	1996	1997	1998	1999
# specialized programs	10	10	10	11	11	11	11	11

PROGRAMS: Criminal Investigations, License Fraud Investigations, Crimestoppers Program, Simulated Wildlife Program, Saturation Patrols, Major Checking Stations, Commercial Licensing, Outfitter Enforcement, State Lands Recreation Enforcement, Ex-Officio Warden Program and Hunter Enhancement Program Enforcement.

Goal 2: To protect the state's natural, historic, cultural, and recreational resources through regulation and education, providing a safe and enjoyable experience for users.

Objective 2A: STATE PARKS COMPLIANCE: To maintain present level of compliance of state park and resource regulations.

## PERFORMANCE MEASURES

2A1 Maintain number of warden patrols and assistance to Park Rangers with on-site response.

### PROJECTED

	1992	1993	1994	1995*	1996	1997	1998	1999
# park user contacts	3,746	3,640	3,331	2,296	NA	2,500	2,500	2,500
# investigations	NA	149	98	33	NA	40	40	40

\*explanatory note: performance decline in 1995 due to de-emphasis in state parks funding for enforcement

2A2 Maintain 95% conviction rate of state parks case prosecutions.

### PROJECTED

	1992	1993	1994	1995	1996	1997	1998	1999
# cases prosecuted	100	125	89	NA	NA	100	100	100
# convictions	94	119	85	NA	NA	95	95	95
conviction rate=convictions/cases	94.0%	95.2%	95.5%	NA	NA	95.0%	95.0%	95.0%

Goal 3: To protect public safety and enjoyment of boat and water recreation, snowmobile and off-highway-vehicle use through education and regulation.

Objective 3A: RECREATIONAL CONVEYANCE COMPLIANCE: To maintain present level of compliance of boat, snowmobile and off-highway vehicle regulations.

## PERFORMANCE MEASURES

3A1 Contact a minimum of 40% of recreational conveyance users each year for compliance checks.

### PROJECTED

	1992	1993	1994	1995	1996	1997	1998	1999
# resident licensed users	67,413	70,556	74,339	79,752	NA	86,000	89,000	92,000
# of contacts*	28,698	32,601	36,609	35,940	NA	34,400	35,600	36,800
# of violations	546	582	683	NA	NA	920	1,000	1,080
contact rate = contacts/users	53.9%	46.2%	49.2%	45.1%	NA	40.0%	40.0%	40.0%

\*explanatory note: includes non-resident users

3A2 Participate in at least 30 water safety programs per year

### PROJECTED

	1992	1993	1994	1995	1996	1997	1998	1999
# warden programs	29	28	50	34*	NA	30	30	30

\*explanatory note: reflects loss of 2.0 water safety FTE

**3A3 Maintain 95% conviction rate of recreational conveyance case prosecutions.**

**PROJECTED**

	1992	1993	1994	1995	1996	1997	1998	1999
# cases prosecuted	546	582	683	NA	NA	700	740	780
# convictions	525	560	655	NA	NA	665	703	741
conviction rate=convictions/cases	96.2%	96.2%	95.9%	NA	NA	95.0%	95.0%	95.0%

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*NOTE: METHODS TO DETERMINE BASELINE AND ACCEPTABLE COMPLIANCE LEVELS UNDER OBJECTIVES 1A, 2A AND 3A WILL BE DEVELOPED WITHIN TWO YEARS.*

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**WILDLIFE DIVISION AUTHORIZATIONS:**

87-1-708, MCA	Assent to Pittman-Robertson Act--authority of department
87-1-710, MCA	Use of hunters' license fees for department purposes only
87-2-724, MCA	Auction of one moose license with proceeds being used to benefit moose
87-2-722, MCA	Auction of one bighorn sheep license with proceeds being used to benefit sheep
87-5-107, MCA	Listing of endangered species
87-1-611, MCA	Fish and Wildlife Mitigation Trust Fund created
87-5-121, MCA	Nongame wildlife special revenue account
87-1-241 et seq MCA	Wildlife habitat acquisition
87-1-209, MCA	Acquisition and sale of lands or waters
87-1-246 - 87-1-249, MCA	Upland Game Bird Enhancement Program
87-2-411, MCA	Stamp required to hunt waterfowl
87-2-412, MCA	Procurement and sale of artwork for waterfowl stamp - disposition of proceeds
87-1-242, MCA	Funding for wildlife habitat

**GOALS AND OBJECTIVES:**

The wildlife program was founded in a 1901 legislative mandate to protect, perpetuate, enhance and regulate the wise use of renewable wildlife resources for public benefit now and in the future. The program has three emphasis areas: management, habitat, and research and technical services.

**Management**

Formulate, publish and implement annual (waterfowl) and biennial hunting and trapping regulations to provide for the wise use of Montana's game animal resources.

- Provide approximately 2 million recreation days of hunting for Montana and nonresident hunters to take 10 species of game animals. (1-MT)
- Provide approximately 212,000 recreation days of hunting for Montana and nonresident hunters to take nine species of upland game birds. (1-MT)
- Provide approximately 110,000 recreation days of hunting for Montana and nonresident hunters to take migratory birds (1-MT)
- Provide 35,000 trapper days of recreation for Montana trappers to take nine species of furbearers and nonresident predator trappers to take six species of predators and nongame wildlife. (1-MT)

Gather public input into the wildlife management program through individual contact, sportsmen and landowner meetings, conservation group meetings, civic and school group meetings and department sponsored meetings and hearings

- Conduct at least eight scoping and 34 public meetings to formulate and establish biennial hunting regulations for big game, upland bird and fur seasons. (3-MT)
- Respond via phone and mail to inquiries by the public concerning management, population status, general biological characteristics (2-MT)
- Contact individual landowner and landowner groups to formulate management activities which alleviate wildlife conflicts on private land. (1-MT)

- Prepare and present programs to public, schools and other organizations concerning the wildlife management program in Montana. (3-MT)
- Develop and periodically update wildlife population status and distribution information on NRIS and Heritage computer files at the state library. (3-MT)

Design and publish annual hunting and trapping regulations in sufficient quantities and distribution that hunters and trappers can utilize them for application to drawings, planning and compliance with regulations.

- Publish 380,000 copies of final hunting regulations and distribute to license dealers and regional offices by April of each year. (1-MT)
- Produce 10,000 copies of trapping regulations before September 15 of every year to be distributed statewide. (1-MT)
- Produce 40,000 copies of waterfowl regulations before September 10 of every year to be distributed statewide. (1-MT)
- Produce 100,000 copies of upland game bird regulations before August 10 of every year to be distributed statewide. (1-MT)

Survey and inventory wildlife species to determine distribution, population status and habitat use to guide hunting season setting, habitat programs, and provide information for land management decisions by the department, other state and federal agencies, and the private landowners.

- Annually conduct aerial and ground observations of big game species to determine population size, distribution, movements and habitat use. (1-MT)
- Monitor individually marked big game animals in specific areas to determine movements and habitat use for use in hunting season formulation, game damage prevention and habitat manipulation projects. (3-MT)
- Annually conduct at least one breeding population survey for sharptailed grouse, sage grouse and pheasants in each region where they occur to determine population status in light of long term habitat change. (3-MT)
- Conduct surveys for at least ten species of nongame wildlife classified as either Category 2 species by the US Fish and Wildlife Service or as other "species of special concern" to determine their population status and distribution. (2-MT)

Reintroduce native wildlife species to improve population viability, expand distribution and re-establish species in suitable habitats.

- Re-establish viable populations of endangered species in suitable habitats with local public support. (2-MT)
- Transplant bighorn sheep, wild turkey and other wildlife species to expand distribution and establish new population in suitable habitats and with local public support. (3-MT)

Provide technical expertise, supplies and materials, labor and other assistance to landowners who are experiencing property damage by wildlife.

- Respond within 48 hours to complaints of wildlife damage to private property, implementing special seasons or control actions, providing materials to protect crops and or utilizing scare techniques. (1-MT)
- Design and prepare educational materials to inform the public about the precautions necessary to prevent human injury resulting from contact with wild animals. (3-MT)

Provide for staff training and professional and personal development to maintain the physical and mental well being of employees and provide for efficient, courteous and effective public relations.

- Provide for periodic professional and personal training of employees. (3-MT)
- Conduct a division training session each biennium. (3-MT)
- Prepare job descriptions, job advertisements and conduct hiring procedures to insure effectiveness, compliance with policies, rules and statutes and cost benefits.

Develop, prepare and monitor programs and budgets to insure effectiveness, compliance with policies, rules and statutes and cost benefits.

- Develop new and periodically update ongoing programs to insure effectiveness and cost benefits. (2-MT)
- Prepare wildlife program budgets and monitor compliance with legislative rules and department policies. (1-MT)
- Respond to legislative inquiries and develop and present information related to proposed legislation. (2-MT)
- Prepare draft and final management plans, EA's, EIS's and hold appropriate public meetings and workshops to insure management programs and activities are implemented in an environmentally sound and effective manner. (2-MT)

#### Habitat

To provide information on wildlife use and impacts of land management activities proposed by federal and other state agencies.

- Review and comment on federal and other state agency proposed management activities. (1-MT)
- Provide technical expertise to private landowners upon request concerning wildlife habitat use and probable impact of management activities. (2-MT)

Manage habitat as the primary factor for maintaining wildlife resources, recreational opportunity and aesthetic benefits to future Montanans.

- Annually complete approximately 100 agreements (80 with private landowners and 20 with organizations) to commit approximately \$700,000 per year in Upland Game Bird Habitat Enhancement Program funds to produce approximately 1,000 acres of shelterbelts, 2,000 acres of food plots, 40,000 acres of nesting cover and 100,000 acres of range management improvement for upland game birds. (1-MT)
- Acquire primary interest in land for wildlife by leasing 500 acres annually with Upland Game Bird Habitat Enhancement Program funds. (3-MT)
- Enhance wetland and associated upland habitat with state waterfowl stamp funds and matching funds from Ducks Unlimited MARSH program and other matching fund sources, including construction of five nesting islands, enhancement of 5,000 acres of upland nesting cover, construction of 100 artificial nesting structures, and developing 200 acres of wetland habitat. (2-MT)
- Mitigate for habitat losses through implementation of the BPA Trust Agreement and Department of Transportation MOU. (2-MT)

Develop and enhance Wildlife Management Areas to produce the maximum amount of wildlife and recreation for which it was purchased.

- Maintain and protect the property and facilities. (2-MT/US)
- Control weeds, particularly those in high use areas, such as roads, parking lots and camping areas. (1-MT)
- Provide access through a travel management plan. (2-MT)
- Develop partnerships with adjacent landowners to improve habitat management on WMA and surrounding land. (1-MT)
- Install enclosures and monitor vegetation with transects and photoplots. (3-MT)

Develop partnerships with federal and state agencies to implement habitat projects.

- Cooperate with federal and state land management agencies to develop at least five cooperative habitat projects beneficial to wildlife using Upland Game Bird Habitat Enhancement Program and State Waterfowl Stamp program funds. (3-MT)
- Jointly finance \$150,000 of Sikes Act projects with the US Forest Service and US Bureau of Land Management during the biennium. (3-MT)

To acquire an interest in important wildlife habitat that may be threatened in some way by using lease, conservation easement or fee title.

- Implement statewide habitat plan that includes identifying important habitats and criteria for evaluating and prioritizing those habitats. (2-MT)

**Research**

Identify habitat needs of wildlife species and to evaluate the impacts of various land uses on those habitat needs.

- To conduct intensive, long-term and short-term field investigations of individual species. (2-MT)
- To develop and test new techniques and surveys for assessing impacts of land uses and land management practices. (3-MT)

Evaluate the effectiveness of different harvest strategies on wildlife populations.

- To develop and test new techniques and tools for surveying and monitoring wildlife population dynamics, distribution and interactions. (3-MT)

Assist wildlife managers with evaluation of past management by providing accurate research survey information.

- Interview at least 90,000 Montana residents and 20,000 nonresidents each year about their hunting or trapping activities on a statewide basis to determine the level and distribution of harvest and hunting pressure, which provides information on individual species or species populations and economic returns to the state (i.e. hunting district or county levels). (1-MT)

Maintain a current sportsmen's license database for use by personnel from wildlife, fisheries and law enforcement divisions and the responsive management unit.

- Assist fisheries, wildlife and responsive management personnel for purposes of conducting angler surveys, bioeconomic and preference surveys, special surveys on hunting activity and harvest levels. (3-MT)
- Assist law enforcement personnel with residency checks and other information about certain hunters with regard to potential hunting and fishing violations. (3-MT)

Provide biological information to department employees and the public for management decisions.

- Collect and maintain databases on wildlife species to include skeletal samples, food habits, blood and tissue analysis. (3-MT)
- Maintain drug immobilization inventory. (2-MT)
- Prepare specimens and mounts for educational purposes. (3-MT)
- Coordinate statewide disease and parasite testing. (2-MT)

**PARKS DIVISION AUTHORIZATIONS:**

Title 23 Chapter 1, MCA	The state parks organic act of 1939 outlines the purpose of state parks, and following sections outline specific powers and duties associated with the purpose.
Sec. 23-2-103, MCA	Authorizes the department to comply with the requirements of the Land & Water Conservation Fund Act of 1965 for the purpose of receiving federal grants-in-aid for park and recreation acquisition and development projects
Sec. 23-2-616, MCA	Authorizes the department to develop, maintain, and operate snowmobile facilities.
Sec. 2-17-111, MCA	Requires the department to provide for maintenance of grounds in the state capitol area.
Sec. 23-2-801, MCA	Authorizes the department to implement a program and plan appropriate off-highway vehicle recreation use.
Sec. 23-1-301, MCA	Authorizes the department to implement a Montana Conservation Corps
Sec. 23-1-115	Primitive Parks Act
87-5-121 MCA/15-30-150	Nongame wildlife

## GOALS AND OBJECTIVES:

### Snowmobile Program:

The primary objective of the program is to increase the enjoyment and reduce the number of accidents by increasing the public's awareness of rules and regulations governing their sport. Of main concern is safe, ethical, and environmentally-sensitive operation and to provide funding for snow plowing or access roads and parking lots paved for trail marking and grooming through grants to local clubs.

- The division objective is to provide for 3200 miles of groomed snowmobile trails. (3-MT)

### Off Highway Vehicle Program (OHV):

Program responsibilities include providing loop trails, trail maintenance, trail heads, acquisition of trail easements, and user facilities through grants-in-aid to local clubs.

Responsibilities include establishing working relationship with clubs, organizations and individuals and informing them about rules, regulations, laws, and the ethical and safe operation of motorized equipment. The primary objective of the program is to increase the enjoyment and reduce the number of accidents by increasing the public's awareness of rules and regulations governing their sport and safe and ethical operation and to minimize environmental impacts. (3-MT)

### Primitive and Low Use Park Areas:

A Parks Program goal is to provide for the public use and enjoyment of state park resources while protecting and maintaining their resources. Tasks include site buildings and grounds maintenance, facility repair, visitor services such as providing interpretive services and law enforcement. A number of parks have been designated "primitive" and are to be kept relatively undeveloped, free to residents, in most cases with minimal services. Services within these parks or programs fulfill valuable public need. (3-MT)

### Fishing Access Site Program:

This program is responsible for the acquisition, development, operation and maintenance of over 300 access sites. These relatively small undeveloped sites provide river, stream, and lake access to approximately 1 million anglers and other recreationists annually. (2-MT)

### Capitol Grounds Maintenance:

The objective of this program is to provide moderate service level maintenance generally via contracts for the 22 acre State Capitol complex and a number of nearby state-owned grounds. Funding is provided by a building per square foot assessment on all the state buildings within the complex. (2-MT)

Land and Water Conservation Fund, (LWCF)/Statewide Comprehensive Outdoor Recreation Plan, (SCORP):

### Community/Statewide Recreation:

As the state outdoor recreation agency we provide federal (LWCF) 50 percent matching grants for community and statewide recreation areas and facilities such as the acquisition and development of community parks, playgrounds, swimming pools, golf courses, and state parks, fishing access, and wildlife management areas. We plan for statewide recreation needs through the (SCORP). The objective is to publish 5-year (SCORP) plans, insure continuing compliance of 775 existing projects, and fund state park renovations. Because of seriously declining funds (i.e., a 95% reduction since 1979), current funds have only been available for state park commitments. (3-MT)

### Park Visitor Services:

Provide the basic visitor services which are demanded by the public using state parks while enhancing the users stay, increasing appreciation for state parks and increasing earned revenue within the park program. Services provided to the public through this program are visitor protection through enforcement efforts, youth and adult education and interpretation, brochures, and historic building preservation, student internship research, and tourism promotion. (1-MT)

### State Park Operation:

The Parks Division provides the operation, management, development and maintenance of 41 State Parks, which includes, historic, cultural, recreation and natural sites, serving over 2 million visitors per year. The Parks Division goals and objectives for this program are to protect and preserve these resources while providing for their use and enjoyment by the public. Activities include, site maintenance, interpretation, law enforcement; management of fee areas, concessions, visitor information and education; resource protection. (1-MT)

### Watchable Wildlife:

To inform the public of watchable wildlife and its benefits, and to provide wildlife education and interpretation with a focus in state parks (2-MT).

## CONSERVATION EDUCATION DIVISION AUTHORIZATIONS:

87-2-105 , MCA  
23-2-530 , MCA  
23-2-807 (2) , MCA

Safety instruction - hunter and bowhunter education  
Boating safety education program  
OHV safety education program

## GOALS AND OBJECTIVES:

### Administration:

Administrative objectives are to ensure an effective and efficient operation in the division and to provide support to other divisions and programs. (1)

- Specific objectives include development of reasonable policies and guidelines for division operations, establishing priorities, providing training opportunities and developing statewide public information planning direction.

### Public Information:

To distribute a variety of accurate and pertinent information in a timely manner to the appropriate publics and media in order to keep the public informed about FWP programs, policies, and plans; improve public awareness of wildlife conservation; and enhance public appreciation and enjoyment of Montana's state park system.

- Montana Outdoors – production of six magazines a year with a subscribership of approximately 40,000 and a readership of approximately 100,000 per issue. (2)
- Audio/visual production – production of 52 television outdoor reports (1½ to 2 minute programs); three television public service announcements; three video documentaries annually. (1)
- Regional information – to maintain information officers in:
  - Department administrative regions 1-5 and headquarters; (1)
- Specific objectives include 200 banquet speeches; 26 Montana Outdoors Newspaper columns; 400 news releases; 48 radio public service announcements and 300 television and radio interviews.
- Regulations production – To produce regulations that are 100 percent accurate and available prior to season opening dates. That will include producing approximately 350,000 big game regulations and legal descriptions; 300,000 fishing regulations; 10,000 turkey; 85,000 upland birds; 50,000 waterfowl; and 15,000 trapping. (1)
- License agents – to provide all license agents so desiring display boards to display department information to the public and to provide monthly newsletters to our 400 license agents covering information of interest to hunters, anglers and other recreationists frequenting their establishments. (1)

### Youth Education:

Environmental education – to aid in the implementation of an environmental education program in Montana classrooms in order to help youngsters learn how to think, not what to think, about value sensitive issues involving wildlife and the environment.

Objectives include increasing the use of wildlife and natural resource conservation curriculum supplements like Project WILD; providing current resource materials to supplement youth education curriculum guides; developing incentives to encourage greater use of wildlife and natural resource conservation materials; and increasing the appreciation of youngsters for the environment and for balanced and wise use of Montana's natural resources.

- To maintain 20 Project WILD facilitators (1)
- To sponsor 20 teacher workshops (2)
- To certify 500 instructors (1)

### Hunter/Bowhunter Education:

To increase the hunters/bowhunters' understanding of the safe handling of firearms and archery equipment, the principles of wildlife management and the need for improved hunter ethics.

Specific objectives include providing all required and interested individuals a reasonable opportunity to participate in an accredited course; offering a standard course to all students; providing quality supplemental teaching materials to volunteer instructors; and retaining quality instructors in the program. (1-MT)

- Maintaining 675 hunter education volunteers and certifying 6,000 students annually. (1-MT)
- Maintaining 400 bowhunter education volunteer instructors and certifying 800 students annually. (2-MT)
- Developing incentives for instructors. (2)
- Developing a Montana specific curriculum. (2)

### Motorized Vehicle Safety and Education

The objectives for the snowmobile, boat and off-highway vehicle safety and education program include. 1) to provide all recreational vehicle users and other interested persons information regarding the safe and legal operation of their vehicles; 2) to promote the ethical use of recreational vehicles, and 3) to track the number of reported accidents in order to reduce injuries, reduce user conflicts, and promote compliance with the law.

Specific objectives include:

- To maintain 50 volunteer snowmobile safety officers

- To print 3 snowmobile trail maps
- To inspect 3 groomed snowmobile trails
- To certify 150 youths using the motorboat operators course
- To contact 3,000 individuals in boat/water safety programs
- To certify and maintain eight volunteer OHV instructors
- To develop and disseminate information through a variety of media including brochures, manuals, PSAs, and news releases. (3-MT)

#### Public Shooting Ranges:

To increase the number of safe public shooting ranges in priority areas throughout Montana. (2-MT)

#### Animal Shelter:

To rehabilitate and/or raise injured or orphaned animals to the point where they can survive on their own. (3)

#### Angler Education:

To coordinate a statewide angler education program with the intent of encouraging youngsters and families to participate in fishing as an outdoor pastime while at the same time increasing their awareness of the resources that support Montana fisheries.

### **DEPARTMENT MANAGEMENT AUTHORIZATIONS:**

2-15-3401	Sets up department and director
87-1-201	Powers and duties of the Department
87-1-401	Director to carry out policies
General implementation of Title 87; Title 23, Chapter 5; Title 23, Chapters 1, 3, 4, 5, 6 and 8.	

### **GOALS AND OBJECTIVES:**

#### Legal Unit:

Provide legal advice to the director, all divisions, and seven regional offices of the department. Serves as legal advisor to the Fish, Wildlife and Parks Commission (Commission).

- Prepare legal briefs or legal opinions for the department on actions such as NEPA, MEPA, game farm enforcement, water reservations, water laws, regulation of dams, Endangered Species Act, tribal negotiations, personnel matters (approximately 36 per year), FLSA, property acquisition, etc. Prepare approximately 45 legal briefs or legal opinions per year. (1-MT)
- Review content of contracts for legal content to ensure department is in compliance with legal authority, etc. Review approximately 500 per year. (2-MT)
- Legal review of water-related issues and represent the department water permit and water reservation contested cases. (Approximately 12 per year). (1-MT)
- Advise and assist on any legal issues in department programs such as the Wildlife Programmatic EIS, MEPA compliance, risk management, habitat acquisition, water lease programs, game farm license applications, etc. (serve on about 15 committees, management teams or work groups per year. (2-MT)
- Review, advise, prepare legal documents and negotiate on property acquisitions and disposals, leases, concessions, easements, etc. (approximately 150 per year). (1-MT)

#### Regional Office Administration:

Implementation of the department's programs is accomplished by the seven administrative regions located throughout Montana. Workplans, policies and budgets are delegated from the Director's Office and administered by the Regional Supervisors. Department field personnel are supervised by Regional Supervisors and regional staff, and regional office support staff are also supervised by the regional supervisors.

- Public involvement meetings and open houses held, approximately 100 per year statewide. (2-MT)
- Annual workplans implemented and reviewed, approximately 550 per year. (1-MT)
- Employee performance appraisals completed and reviewed in the regions, approximately 275 per year. (1-MT)
- Public contacts by regional clerical staff, approximately 220,000 per year. (1-MT)
- License sales in regional offices, approximately 46,100 per year. (1-MT)
- Requisitions within general level purchasing authority reviewed and approved by supervisors, approximately 850 per year. (2-MT)
- Complex EAs and EISs reviewed by supervisors, approximately 15 per year. EAs are prepared by regional staff on regional activities, approximately 100 per year. (1-MT,US)

#### Resource Assessment Unit:

Coordinates review of federal and state planning and environment documents; identify potential natural resources conflicts that may affect the department, ensures FWP MEPA compliance; liaison with federal, state and local agencies and private sector groups as well as



Montana's congressional delegation to create effective partnerships which will improve outdoor recreational opportunities. Conducts special projects or studies requiring multi-program involvement within the agency or policy level involvement with other agencies. In addition, this unit works to improve the financial return from commercial, recreational, and federal aid activities on department lands.

- Coordinate development of internal MEPA documents and review of external NEPA and MEPA documents. (1-MT)
- Participate in 35 interagency coordination meetings per year. (2-MT)
- Oversight of GIS system development project to improve department land management. (3-MT)
- Oversight of predator control funding provided to Department of Livestock. (3-MT)
- Coordinate completion of the Bison Management Plan and EIS.

#### Responsive Management Unit:

Coordinates the establishment of mission, goals and objectives for the department and coordinates implementation of the mission, goals and objectives through use of such tools as work plans, end-of-year progress reports, etc. Social and economic implications of department efforts are evaluated for department decision-making.

- Process 1770 workplans, end-of-year reports, 550 biennial work requests, and variance reports. (1-MT)
- Conduct six training sessions for department staff on management subjects, such as managing change, marketing, conflict resolution, etc. (2-MT)
- Work on special projects for the Director's Office and help coordinate preparation of materials for budget office, etc. (2-MT)
- Conduct economic valuation studies of recreational values of hunting and fishing (approximately four per year) used to assess factors contributing to the quality of cold and warm water fishing and big game and bird hunting in Montana. Conduct economic valuations on the impacts of potential department purchase or lease of selected lands (approximately three per year). (3-MT)
- Conduct attitude and opinion surveys of Montana citizens using the most appropriate social science methodology (i.e., mail and telephone surveys, interviews, etc. to design department programs to best meet the needs of Montana citizens. Conduct and assist with an average of eight surveys per year. (2-MT)

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## Department of Environmental Quality

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### CENTRAL MANAGEMENT PROGRAM AUTHORIZATIONS:

2-15-3501, MCA	Enabling act creating the Department of Environmental Quality
2-15-112, MCA	Duties & Powers of Department Heads
2-15-114, MCA	Security Responsibilities of Agency Heads
75-2-112, MCA	General Powers & Responsibilities under the Clean Air Act
75-2-503, MCA	General Powers of Agency for Asbestos
90-2-1105, MCA	General for Energy Reclamation & Development Grants
90-4-104, MCA	General Powers for Renewable Energy Grants & Loans
90-4-607, MCA	General Duties for State Building Energy Conservation
75-20-218, MCA	Agency Responsibilities for Major Facility Siting
75-10-404, MCA	General Powers & Duties for Hazardous Waste
75-10-1006, MCA	General agency responsibilities for Infectious Waste
75-10-503, MCA	General Agency responsibilities for Junk Vehicles
82-4-112, MCA	General powers for Strip & Underground Mines
82-4-205, MCA	General Powers for Coal & Uranium Mines
82-4-321, MCA	General Powers for Metal Mines
82-4-422, MCA	General Powers for Open Cut Mining
50-7-105, MCA	General Duties for Occupational Health
75-11-319, MCA	General Duties for Petroleum Storage Tank Cleanup
75-3-201, MCA	General Powers for Radiation Control
75-3-605, MCA	General Powers for Radon Education Programs
75-10-104, MCA	General Duties for Solid Waste
75-10-907, MCA	General Duties for Megalandfill Siting
76-4-104, MCA	General Powers and Duties under the Sanitation in Subdivision Act
75-10-702, MCA	General Responsibilities for administering CECRA program
75-11-204, MCA	General duties for Underground Storage Tanks
75-5-211; 75-5-402	General Powers & Duties for administering the Montana Water Quality Act
75-5-503; &444	
75-5-1105, MCA	
75-6-104 &	General Powers & Duties for administering the Public Water Supply Act
75-6-221, MCA	

**GOALS AND OBJECTIVES:**

- Provide the necessary leadership and management guidance to ensure that the mission of this agency is accomplished in all aspects of the department's multi-faceted statutorily mandated responsibilities which will result in pollution prevention, control, and the enhancement of environmental quality and public health.
- Finalize departmental organization and restructuring efforts to ensure integrity, consistency, and optimum efficiency for decision making in permitting, policy, enforcement, and cleanup responsibilities.
- Initiate development of department self evaluation mechanism as a quality control quality assurance tool in evaluating department performance.
- Constantly encourage and create dialogue between this agency and the public, public interest groups, and representatives of the various regulated communities to achieve common ground where possible, and to achieve working relationships to promote an improved understanding of this agency's role and the concerns of the public and regulated community.
- To provide and improve the staff and information support to the Board of Environmental Review for purposes of improving the Board's ability to carry out their quasi-legislative and quasi-judicial responsibilities.
- Develop improved working relationships between this agency and the federal, state, and local government agencies who are critical partners in the work of this agency.
- Improve agency posture in managing its employee work force by promulgating revised, uniform, consistent, and comprehensive personnel policies for this department in order to remedy the policy disparity created by merging components from three separate former departments that had unique but differing policies on many personnel issues.
- Improve agency's decision making capability by developing and managing a centralized legal services unit responsible to a chief legal counsel reporting directly to the director in order to improve upon the manner and efficiency of legal support to the line divisions.

**CENTRALIZED SERVICES DIVISION AUTHORIZATIONS:**Federal

40 CFR Part 33

40 CFR Part 30

Federal Circular A-87

Federal Circular A-102

Federal Circular A-128

State

2-15-21, MCA

Federal regulations for Procurement

Federal regulations for State and local assistance

Federal Cost Principles

Federal Common Rule-Grants Administration

Federal Single Audit Act Guidelines

Department Authorization

**GOALS AND OBJECTIVES:**

- Provide services to department management and staff to allow for the most efficient and cost-effective operations of the department. ( - MT)
- Provide the necessary liaison with other state, local and federal government agencies as well as the general public, industry, and special interest groups. ( - MT)
- Develop and maintain policies and procedures for centralized services functions which are responsive to the needs of the department and comply with state and federal regulations. ( - MT)
- Conduct training and provide reference materials to department staff as needed to insure compliance and understanding of policies and procedures. ( - MT)
- Provide budgeting, accounting, auditing, and financial reporting services consistent with state and federal statutes and regulations. ( - MT)
- Provide reliable computer operations for the department in the areas of local area networks support, mainframe access, and user support. ( - MT)
- Provide assistance to the department necessary to procure, services, supplies and materials at the right time for the right price and delivered to the right place in compliance with state and federal regulations.

**PETROLEUM TANK RELEASE COMPENSATION BOARD AUTHORIZATIONS:**

2-15-2108, MCA

17-7-502, MCA

Title 75, ch. 11, part 3, MCA

Establishes Petroleum tank release compensation board

Statutory appropriations--definition--requisites for validity

Statutory provisions that provide specific authority for petroleum storage tank cleanup

**GOALS AND OBJECTIVES:**

- Protect public health and safety and the environment by providing prompt detection and cleanup of petroleum storage tank releases. ( - MT)
- Provide adequate financial resources and effective procedures through which tank owners and operators may undertake and be reimbursed for corrective action and payment to third parties for damages caused by release from petroleum storage tanks. ( - MT)
- Assist certain tank owners and operators in meeting financial assurance requirements under state and federal law governing release from petroleum storage tanks. (US-MT)
- Provide tank owners with incentives to improve petroleum storage tank facilities in order to minimize the likelihood of accidental releases. (US-MT)

**PLANNING, PREVENTION, AND ASSISTANCE DIVISION AUTHORIZATIONS:**

2-4-201, MCA	Organizational and Procedural Rules
2-15-2105, MCA	Water and Wastewater Operators' Advisory Council
37-42-101, et seq., MCA	Water Treatment Plant Operators
69-3-1201 et seq., MCA	Integrated Least-Cost Resource Planning and Acquisition Act
75-1-101, et. seq., MCA	Montana Environmental Policy Act
75-2-101, et seq., MCA	Clean Air Act of Montana
75-3-101, et seq., MCA	Nuclear Regulation Act
75-5-101, et seq., MCA	Water Quality Act
75-6-101, et seq., MCA	Public Water Supplies Distribution & Treatment
75-20-101 et seq., MCA	Major Facility Siting Act
50-70-101, et seq., MCA	Occupational Health
80-15-101, et seq., MCA	Montana Agricultural Chemical Ground Water Protection Act
82-4-101 et seq., MCA	Montana Strip and Underground Mine Siting Act
82-4-201 et seq., MCA	Montana Strip and Underground Mine Reclamation Act
82-4-301 et seq., MCA	Montana Metal Mine Reclamation Act
82-4-401 et seq., MCA	Montana Open Cut Mining Act
90-4-301 et seq., MCA	Energy Supply Emergency Powers Act
90-4-101 et seq., MCA	Alternative Energy Grant and Loan Program
90-4-601 et seq., MCA	State Building Energy Conservation Program
90-4-1001 et seq., MCA	State Energy Policy--Goal and Development Process
42 U.S.C. § 7401, et seq.	Federal Clean Air Act
P.L. No. 102-539, 21 CFR, § 900	Mammography Quality Standards Act of 1992
P.L. No. 100-4 § 319	Water Quality Act of 1987
P.L. No. 92-500, as amended	Federal Water Pollution Control Act Amendments of 1972
33 U.S.C. § 1251-1387	Navigation and Navigable Water
24 U.S.C. § 6321 et seq.,	State Energy Program
P.L. No. 94-163	
41 U.S.C. § 501 et seq.,	Technical Assistance Program
P.L. No. 95-501	
41 U.S.C. § 501 et seq.,	Residential Construction Demonstration Program
P.L. No. 96-501	
P.L. No. 95-91 and 95-224	Pacific Northwest and Alaska Regional Bioenergy Program
P.L. No. 95-87, Title IV	Surface Mining Control and Reclamation Act of 1977

**GOALS AND OBJECTIVES:**

- Provide the director of DEQ, the Board of Environmental Review and division administrators, other departments and federal or local agencies with the environmental, public health, economic, financial, and other technical analysis in support of regulatory recommendations and management decisions or other decisions made in the public interest under the direction of federal and state statutes and the Montana constitution. (1-US, MT)  
Serve to integrate the variety of permits, approvals, authorizations, and certifications issued by DEQ in and through a coordinated review process intended to inform decision makers of the environmental and policy implications of proposed projects, and to provide them with a reasonable range of alternatives that balance societal costs and benefits or regulatory decisions. (1-MT)
- Collect and evaluate, as necessary, data on the condition of Montana's air and water quality and energy supply and demand
- Develop, maintain and upgrade, as necessary, computerized information systems which provide for efficient entry, storage, manipulation and retrieval of information collected or utilized by the Department of Environmental Quality resource managers in making defensible environmental decisions

- Operate a comprehensive ambient monitoring network which collects complete, precise and accurate air quality and meteorological information from locations throughout Montana. (1-US, MT)
- Prepare forecasts of energy needs and a summary of available energy sources for the state of Montana. (1-MT)
- Perform or oversee the performance of dispersion modeling or receptor modeling necessary to evaluate air quality conditions. (1-US, MT)
- Perform special air monitoring studies which are required for development of area-specific State Implementation Plans (SIPs). (2-US, MT)
- Monitor conditions and trends in surface water quality and assess sources and causes of pollution. (1-US, MT)
- Prepare a list of impaired streams within Montana in compliance with section 303(d) of the federal Clean Water Act for inclusion in the biennial report on the condition of Montana's surface waters. (1-US, MT)
- Provide pollution prevention education and compliance assistance to Montana's small businesses through environmental audits, workshops, rule development, permitting assistance, financial assistance and communications. (1-MT)
- Research, develop, demonstrate and bring to the marketplace new technologies relating to energy efficiency, renewable energy and renewable resources, or utilize local resources, product streams, or waste streams that are particularly applicable to Montana's economy. (2-MT)
- Evaluate economic effectiveness of pollution prevention activities and determine measures to evaluate program effectiveness. (1-MT)
- Develop a least-cost approach to manage and reduce greenhouse gas emissions in Montana in collaboration with local governments, industry and others. (2-MT)
- Enhance the productive use of Montana-based waste streams, such as coal ash, through technology advancements by developing new uses. (3-MT)
- Provide training and compliance assistance for Montana's Municipal Water Pollution Prevention Program and continue development of self-assessment documents for wastewater treatment facilities. (1-MT)
- Develop and implement a state program to ensure the coordinated and comprehensive protection of groundwater resources. (1-MT)
- Develop implementable comprehensive resource and environmental plans, providing information and recommendations on resource and environmental plans developed by other agencies and providing information and assistance to shape state, local and federal policy. (1-MT)
- Provide comprehensive resource and environmental planning that optimize the benefits to the public and the environment by balancing social, economic, transportation, energy, air quality, water quality and waste disposal impacts. Pollution prevention and regional approaches will be emphasized. This overarching approach will encompass new planning efforts as well as the following existing plans: (1-US, 1-MT)
- Provide other state and federal agencies with economic, financial and scientific and technical analysis to identify the most economical and environmental beneficial course of action. Examples include: (1-MT)
- Coordinate the formulation of consistent department wide policy, standards and rules which are forward looking and emphasize pollution prevention and market-based approaches. (2-MT)
- Develop and implement a program for financing cost-effective energy efficiency improvements in municipal facilities. (1-US, MT)
- Increase energy efficiency and reduce energy costs in state buildings, schools and health care facilities. (1-MT)
- Complete up to \$5 million of cost-effective energy efficiency improvements in state-owned facilities. (1-MT)
- Integrate DEQ's expertise in occupational and radiological health, as appropriate, with its expertise in energy efficiency, to provide a full spectrum of information and services to commercial and institutional clients. (3-US, MT)
- Promote the general public health and safety by providing technical assistance to prevent exposure to indoor environmental contaminants. Provide information, sampling and analysis for a wide range of indoor air contaminants. (2-MT)

#### **ENFORCEMENT DIVISION AUTHORIZATIONS:**

75-2-401, -402, -412, -413, -421, -422	Statutory provisions that provide specific enforcement authority to agency under the Clean Air Act
75-2-514	Statutory provision that provides specific enforcement authority to agency for regulation of asbestos
75-3-303, -402, -405, -406, -407	Statutory provisions that provide specific enforcement authority to agency for nuclear radiation
75-5-601, -611, -612, -613, -614, -615, -621, -622, -631, -632, -633	Statutory provisions that provide specific enforcement authority to agency under the Water Quality Act
75-6-109, -111, -113, -114	Statutory provisions that provide specific enforcement authority to agency under the Public Water Supply Act
75-10-227, -228, -231, -232, -233	Statutory provisions that provide specific enforcement authority to agency for regulation of solid waste
75-10-413, -414, -415, -416, -417, -418, -423, -424	Statutory provisions that provide specific enforcement authority to agency for regulation of hazardous waste and underground storage tanks

75-10-541, -542	Statutory provisions that provide specific enforcement authority to agency for regulation of Motor/Junk Vehicles
75-10-711, -712, -713, -714, -722	Statutory provisions that provide specific enforcement authority to agency under CECRA
75-11-218, -219, -220, -223, -224	Statutory provisions that provide specific enforcement authority to agency for licensing of UST installers
76-4-108, -109	Statutory provisions that provide specific enforcement authority to agency under Sanitation in Subdivision Act
82-4-141	Statutory provision that provides specific enforcement authority to agency for regulation of strip and underground mining
82-4-254	Statutory provision that provides specific enforcement authority to agency for regulation of coal and uranium mines
82-4-341, -357, -361	Statutory provisions that provide specific enforcement authority to agency for regulation of metal mines
82-4-441, -445	Statutory provisions that provide specific enforcement authority to agency for regulation of openpit mines

## GOALS AND OBJECTIVES:

- Investigate all citizen complaints that allege a violation of any statute or regulation administered by DEQ and determine if a violation has occurred.
- Develop consistent enforcement policies and procedures for all laws and regulations administered by the department.
- Manage enforcement cases initiated by DEQ and monitor the violators compliance with orders issued by the department.
- Maintain a data base to track and measure DEQ enforcement activities.
- Provide technical assistance and training to DEQ staff to assist them in implementation of enforcement procedures and to ensure the quality of enforcement.

## REMEDIATION DIVISION AUTHORIZATIONS:

<u>Federal</u>	
42 U.S.C., Section 6991 et seq.	UST regulations, including design and release response (RCRA)
42 U.S.C., Section 9601 et seq.	Federal Superfund (CERCLA)
RCRA Section 9003(h)(7)	Cleanup of LUST sites
30 U.S.C., Section 1231 et seq.	Title IV, Surface Mining Control and Reclamation Act of 1977, P.L. 95-87, as amended
<u>State</u>	
ARM 16-20-1025	Groundwater cleanup authorization
75-10-201 et seq., MCA	Montana Underground Storage Tank Installer Licensing and Permitting Act
75-10-401 et seq., MCA	Montana Hazardous Waste and Underground Storage Tank Act
75-10-601 et seq., MCA	State participation in CERCLA
75-5-605, MCA	Placement of waste
75-10-701 et seq., MCA	State Superfund (CECRA)
MCA 82-4-205, -239, -240, -242, -323, -341, -357, -371, -372, -424, -423, -424, -426, -445, -446	Abandoned mine reclamation

## GOALS AND OBJECTIVES:

- Prioritize sites for cleanup actions by conducting initial sampling, field studies, or research and evaluating potential impacts to public health and safety and the environment.
- Oversee voluntary investigations and remedial actions initiated by responsible parties at medium- to low-priority sites
- Oversee investigations and cleanups at high-priority sites that are conducted by responsible parties either voluntarily or under order by DEQ and implement interim cleanup actions to eliminate imminent threats to public health and the environment.
- Oversee remedial actions at sites on the federal National Priorities List (NPL) that have been delegated to Montana for state-lead status under cooperative agreements with EPA.
- Provide technical, management, and legal assistance to EPA for remedial investigations and cleanup actions at NPL sites maintained in federal-lead status.
- Investigate sites and implement cleanup actions where a responsible party cannot be identified or is insolvent, where there is an imminent threat to public health, public safety, or the environment, or where a responsible party fails to address the risk

- Recover costs for investigation and cleanup at sites with viable responsible parties by maintaining detailed records of work completed and costs incurred for that work, and billing the responsible parties for those costs.
- Maintain data management and geographical information systems to facilitate design and cleanup actions at Superfund and abandoned mine sites; and to track notified, registered, and closed USTs to facilitate enforcement of compliance with state and federal regulations.
- Facilitate and encourage timely and consistent decisions for site cleanups by developing rules, cleanup standards, and guidance for project officers and responsible parties.
- Communicate and coordinate with other agencies, local governments, and citizens by responding to inquiries and requests for information and providing public brochures to the public that explain regulatory changes or guidelines for preventing or abating hazardous or deleterious substance releases to the environment.
- Provide for public participation in the evaluation and selection of cleanup alternatives for sites with hazardous or deleterious substance releases by holding public meetings and soliciting comments on remedial plans and reports.
- Administer remediation and abandoned mine reclamation programs consistent with applicable state and federal laws, rules, and regulations.
- Prevent releases from USTs by permitting and overseeing installations, modifications, repairs, or closures by licensed UST installers and removers.
- Provide grants and training to local governments for inspections of UST installations, modifications, repairs, and removals.

#### **PERMITTING AND COMPLIANCE DIVISION AUTHORIZATIONS:**

75-2-101, et seq.	Air Quality Act
75-2-501-514, MCA	Asbestos Control Act
75-10-401 et seq., MCA	MT Haz Waste & Underground Storage Tank Act
75-10-501 et seq., MCA	Motor Vehicle Recycling and Disposal
75-10-201 et seq., MCA	MT Solid Waste Management Act
75-5-101 et seq., MCA	Montana Water Quality Act
75-5-401-402, MCA	Board Rules for Permits, Groundwater Exclusions
75-6-101, et seq., MCA	MT Public Water Supply Law
37-42-101-322, MCA	Water/Waste Water Operators
76-4-101, et seq., MCA	MT Sanitation In Subdivision Act
75-20-101 et seq., MCA	Major Facility Siting Act
82-4-301 et seq., MCA	MT Metal Mine Reclam. Act
82-4-101 et seq., MCA	MT Metal Strip and Underground Mine Reclam. Act;
82-4-401 et seq., MCA	MT Opencut Mining Act
75-1-101 et seq., MCA	MT Envi Policy Act

#### **Federal Authorizations:**

42 U.S.C. 7401, et seq.	Federal Clean Air Act
Public Law 99-519	Asbestos Hazard Emergency Response Act
Public Law, 92-500,	Federal Clean Water Act as amended
42 U.S.C. Section 300f to 300j-11	Federal Safe Drinking Water Act
Public Law 95-87, Title V	Federal Surface Mining Control and Reclam. Act of 1977

#### **GOALS AND OBJECTIVES:**

- Conduct effective permit programs designed to issue complete, accurate and environmentally sound permits within statutory time frames.
- Ensure that facilities are properly sited, designed, maintained, and operated.
- Provide pre-application consultation to prospective facility sponsors, and, within established statutory time frames, evaluate and process applications for certificates of environmental compatibility and public need.
- Ensure that when necessary multi-disciplinary staff conduct technical, scientific and legal analyses of all plans for compliance with statutes. Evaluations are done of resource information and proposed construction, operation, reclamation, monitoring, and contingency plans for proposals and are coordinated with professionals within the department and in other state and federal agencies as well as public interest organizations and environmental groups.
- Conduct environmental assessments of all applications as required by the Montana Environmental Policy Act. When necessary form state/federal interagency teams and prepare joint environmental impact statements on projects proposed on federal lands.
- Conduct detailed compliance inspections and monitoring reviews to ensure that all facilities regulated by the division are operated and maintained in compliance with all permit conditions and state laws and rules.
- Provide technical and compliance assistance to facilities in order to maintain and enhance compliance.
- Ensure that facility owners, operators and the public have access to accurate and timely information on all division issues.
- Provide training and technical assistance and disseminate information to all Local Governmental agencies concerning current program status and any anticipated program changes and to assist them with compliance with federal and state regulations.

- Develop, adopt and implement administrative rules and procedures as necessary to achieve required regulatory authority.
- Negotiate agreements with federal agencies that are consistent with state priorities. Obtain and maintain authorization for all program components which have counterparts in a federal program.
- Maintain and enhance the resources necessary to execute authorized functions.

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## Department of Transportation

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### MONTANA DEPARTMENT OF TRANSPORTATION (5401) STATUTORY AUTHORIZATIONS:

60-3-201, MCA	Distribution and use of proceeds of gasoline dealers' license tax
60-3-202, MCA	Funding highway system maintenance
60-3-205, MCA	Apportionment of state funds to primary highway system
60-3-206, MCA	Apportionment of state funds to secondary highway system
60-3-211, MCA	Apportionment of state funds to urban highway system
15-70, MCA	Gasoline and vehicle fuels taxes
Title 17, MCA	State finance
60-21-101, MCA	Department of Transportation authorized to represent the state on public transportation issues.
60-5-501-527, MCA	Information signs
75-15-101-134, MCA	Outdoor Advertising Act
33 Code of Federal Regulations (CFR) Ch. II, part 325	Processing of Department of the Army permits
33 CFR Ch. II, part 327	Public hearings
2-15-2505, MCA	Purpose and legislative intent for the department
2-18-102(2), MCA	Delegate authority for personnel administration and classification
2-18-201, MCA	Classification
2-18-203, MCA	Classification appeals
49-3-201, MCA	Governmental Code of Fair Practices
2-15-112, MCA	Duties and powers of department head
2-18-301, MCA	Pay administration
39-31-101, MCA	Collective bargaining
2-18-1001, MCA	Grievance procedure
23 CFR 230, Sub D	EEO Contact Compliance
23 CFR, Ch. I, part 750	Highway beautification
23 CFR 200, Sub C	Title VI Compliance
23 CFR 771.111(h)	Federal-aid highway program; early coordination, public involvement, and project development
23 CFR 230, Sub C	Title VII Compliance
40 CFR 1500-1508	National Environmental Policy Act (NEPA)
49 CFR 23.1(a)	Supporting participation of firms owned and controlled by minorities and women (MBES)
33 CFR 115.60	Procedures for handling applications for bridge construction permits
49 CFR 23.43(a)(2)	MBE obligation
29 CFR 5.1	Davis-Bacon and Copeland Acts
23 Code (USC) Chapter 1	Federal-Aid highways
23 USC 128	Public hearings
23 USC 134 & 135	Highways
23 USC 114	Contract Work Hours and Safety Standards Act Federal-aid Highways and amending legislation
42 USC S12101	Americans with Disabilities Act of 1990

### GENERAL OPERATIONS (01) GOALS AND OBJECTIVES

#### Administration Division:

To provide quality support services to our (internal and external) customers in support of MDT missions and goals.

- To provide accountability. (1)
  - Develop innovative solutions, products, services, processes. (1)
  - Provide mechanisms to obtain necessary resources. (2)
- To effectively and fairly administer business practices in a manner that warrants high public trust

- Ensure (compliance, cooperation, constant, fairly) with business practice and determine causes and resolution for non-(compliance, cooperation, constant, fairly). (1)
- Develop innovative solutions, products, services, processes. (2)
- Educate. (2)

#### Public Affairs:

The Public Affairs Bureau serves the public by providing information and promoting communication between the department and its customers.

- Meet the requirements of state and federal law for public involvement processes and ensure the public is involved in a meaningful way. Implement the department's new public involvement process and provide training to staff. (1-US,MT)
- Respond to press and public inquiries in a timely way based on their needs. (1)
- Provide accurate and timely road reports seven-days-a-week through numerous methods of public outreach. (1)
- Coordinate the Outdoor Advertising Control and Motorist Information sign (Logo) programs to better inform the public, to reduce conflicts between the agency and the public, and reduce the need for administrative hearings and other processes of law. (2-US,MT)

#### Human Resources:

To provide quality human resource and compliance management systems in support of MDT mission, goals, and objectives.

- Provide solutions, processes, products, and services that promote a competent and productive work force. (1)
- Comply with federal and state rules and regulations. (1-US,MT)

### **CONSTRUCTION PROGRAM (02) STATUTORY AUTHORIZATIONS:**

60-2-201 MCA  
23 USC 114

General powers of department  
Construction

### **GOALS AND OBJECTIVES:**

#### Engineering Division:

To survey, design, acquire the right-of-way and construct safe, cost effective highway improvement projects in order to develop and maintain a cost effective, efficient, and safe transportation system.

- Develop plans for and let 85% of planned fiscal year projects. (1-US,MT)
- Maintain statewide average Construction Engineering costs under 8.5% of total contract costs. Federal Aid rules allow up to 15%. (1-US,MT)
- Maintain statewide Preliminary Engineering costs under 25% of total contract costs. (1-US,MT)
- Maintain statewide final costs under 10% above award amount. (1-US,MT)

#### Environmental Services:

To provide quality services to our customers in support of MDT missions and goals.

- Meet all scheduled project management system (PMS) activity dates necessary to ensure the annual flow of projects. (1-US,MT)
- Lead MDT in the protection and enhancement of Montana's natural resources and environment in a manner that is supported by the public. (1-US,MT)
- Ensure MDT's compliance with all environmental laws, rules, and regulations in a manner that builds trust with the environmental and regulatory community. (1-US,MT)
- Develop innovative solutions, products, services, and processes. (1-US,MT)

### **MAINTENANCE PROGRAM (03) STATUTORY AUTHORIZATIONS:**

Title 23 US Code  
60-2-128, MCA  
60-2-201, MCA  
60-2-203, MCA  
60-2-205, MCA

Highways  
Maintenance system - designation of highways  
General powers of department  
Maintenance responsibility  
Powers of department with respect to highways not located entirely within the state  
Payment of construction and maintenance costs within municipalities  
Signs identifying mountain ranges-scenic loop highways  
Welcome and farewell signs  
Assent to federal law  
Funding highway system maintenance



## GOALS AND OBJECTIVES

Provide the public a safe winter driving condition through effective utilization of funding, personnel, equipment and materials.

- Removal and the application of abrasive materials and anti-icing chemicals to reduce roadway hazards and slippery surface conditions. (1-US,MT)

The preservation of the State maintained roadways through systematic pavement preservation plan to meet the intended roadway design life.

- Perform preventive maintenance activities to retard the deterioration of the roadway through the systematic application of information provided by the Pavement Management System. (1-US)

Maintain and improve the state maintained highway system for the safe, efficient movement of goods and people.

- To maintain and improve the departments maintained roadways. (1-US,MT)
- Provide visible, legible, and understandable signs and pavement markings. (1-US,MT)

Organizational management commitment to changes that encourage a more business orientated culture, open management information, and encourage the adoption of new and innovative approaches of providing services, reducing costs and improving quality.

- Build on efforts within the agency to improve communications and to develop long term approaches to roadway repair and preventive maintenance. (1-US,MT)

## STATE MOTOR POOL STATUTORY AUTHORIZATION:

2-17-411

Helena-based motor pool

## MOTOR POOL PROGRAM (07) PERFORMANCE BASED GOALS AND OBJECTIVES

Goal 1: To provide cost efficient and reliable vehicles to state employees conducting official business.

Objective 1: To implement a test to reduce 4-door passenger vehicle costs by 25 percent per mile by the end of the 1999 biennium.

Performance Measure: Test vehicles that achieved a 25 percent cost per mile reduction over the standard non-test vehicles.

### Per Mile Costs

	<u>Fixed Cost</u>	<u>Variable Costs</u>	<u>Depreciation</u>
Test Units	\$X.XXX	\$X.XXX	\$X.XXX
Non-test Units	\$X.XXX	\$X.XXX	\$X.XXX
Difference	\$X.XXX	\$X.XXX	\$X.XXX
Percent Change	\$X.XXX	\$X.XXX	\$X.XXX

Explanation: A test program is being implemented with 10 units to reduce depreciation expenses by narrowing the difference between the purchase cost and the sale value of vehicles, and to reduce operating costs by selling the vehicles before they are substantially out of warranty, need tires, or other repairs. The test vehicles are scheduled to be sold at 30,000 miles. Depending on usage, the test units should be sold early in fiscal 1999. If the test produces the anticipated results, the program will be phased into the fleet starting with 50 units in fiscal 1999. The cost reduction plan is contingent upon the test units producing the desired results, and upon legislative approval of changes in disposal methods and budgetary flexibility to implement the plan.

Objective 2: To provide a motor pool or contracted vehicle to meet the basic transportation requirements in response to all requests made a minimum of five working days prior to need date.

Performance Measure: Number of requests unmet due to non-availability of a motor pool or overflow contracted vehicle that meets the user's basic transportation needs.

<u>Requests unmet (by class)</u>	<u>FY97</u>	<u>FY98</u>	<u>FY99</u>
(For each of the 4 classes)	(Total)	(A-E)	(A-E)

- A) No motor pool vehicle available which meets basic transportation needs.
- B) Specific class reserved and refusal of other class.
- C) Specific class being serviced and refusal of other class
- D) No overflow vehicle available.
- E) Refusal for medical reasons.

Explanation: The motor pool has been gathering data on the number of user vehicle requests that have not been met; however, the information is in a summary format. The data collection for this measurement will be expanded in fiscal 1998

Objective 3: To provide and maintain out-stationed vehicles to meet the user requirements outside the Helena area.

Performance Measures:

1. Purchased vehicles approved by OBPP and the legislature and provided to state agencies.

<u>Vehicle Classes</u>	<u>FY98</u>	<u>FY99</u>
(No. Vehicle authorized)	Purchased	Purchased

Explanation: The numbers and types of vehicles to be purchased are determined by the motor pool base fleet needs and the out-stationed units authorized through the budget office and approved by the legislature.

2. Annual review of all out-stationed units to determine needs.

<u>Vehicle Classes</u>	<u>FYXX Average Usage</u>
Vehicle usage	(Within 25% of mean usage)

Explanation: An inventory of all out-stationed units will be maintained including the vehicle number, agency assignment, and annual usage to enable program management recommendations on over and underutilized vehicles.

Goal 2: To maintain a preventive maintenance program to ensure vehicles are serviced, safe, and reliable.

Objective: To maintain the fleet in accordance with the motor pool preventive maintenance program standards.

Performance Measures:

1. Review the motor pool fleet to ensure that 90 percent of the vehicles are meeting level I or II preventive maintenance schedules.

<u>Vehicles by class</u>	<u>FY98</u>	<u>FY99</u>
	(Est.)	(Est.)
Total Class Vehicles	XXX	XXX
Past Due Level I	XX	XX
Percent Past Due	.XX	.XX
Class Total	XXX	XXX
Past Due Level II	XX	XX
Per Cent Past Due	.XX	.XX

Explanation: A preventive maintenance program will be maintained monthly and a semi-annual preventive maintenance status performance report will be issued.

2. Perform a serviceability and safety inspection on 90 percent of all motor pool vehicles annually.

<u>Vehicles by class</u>	<u>FY98</u>	<u>FY99</u>
Total Class Vehicles	XXX	XXX
Class No. Inspected	XXX	XXX
Percent Inspected	.XX	.XX

Explanation: The motor pool will endeavor to inspect all of the units within the fleet on an annual basis. Any units missed during a year will have priority for the next year.

Goal 3: To conduct a fleet functional analysis to determine if the fleet is appropriately sized and is meeting agency and user expectations and requirements.

Objective: To review the daily use and leasing vehicle maintenance programs to ensure that vehicles are being utilized, serviced, and maintained, and that the mix and number of vehicles are within standards.

### Performance Measures:

1. Conduct annual statistical fleet sizing analysis to determine basic fleet requirements, maintain the fleet within 10 percent of suggested statistical size, and implement changes in class sizes to maintain an optimum mix of vehicle types.

#### Fleet Sizing Review Methodology

Total number of days of data	XXX
Mean daily usage	X.XX
1 standard deviation of the mean	X.XX
Deviation adjusted to 90 percent	X.XX
Suggested fleet size	XXX
Actual fleet size	XXX
Percentage difference	X.XX

Explanation: The annual fleet size review is to track changes in usage patterns, mix of vehicles, and, as a check and balance, to ensure that the fleet does not contain more vehicles than are appropriate.

2. Conduct a customer satisfaction survey during each biennium.

Explanation: A customer survey will be conducted to compare to past surveys and as a method of formal input into the motor pool operation.

3. Respond to customer written vehicle complaints within 10 working days.

#### Maintain Complaint File

Date of complaint	Date of response	Days
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Explanation: Each motor pool vehicle contains a form to track user complaints and this measure will report on timeliness of responses.

### **EQUIPMENT PROGRAM GOALS AND OBJECTIVES:**

Provide vehicles and equipment to meet the needs of the department users.

- Identify the various users within the department and establish vehicle and equipment requirements. (1-MT)
- Purchase vehicles and equipment to satisfy the users' needs. (1-MT)

Maintain the fleet in a safe reliable condition.

- Maintain a preventive maintenance program to ensure vehicles and equipment are serviced, safe and reliable. (1-MT)

Effectively utilize funding, personnel, materials, equipment, management systems and infrastructure in managing the fleet.

- Provide administrative assistance and review of vehicle and equipment maintenance procedures. (1-MT)

### **MOTOR CARRIER SERVICES (22) STATUTORY AUTHORIZATIONS:**

2-15-2501 (5), MCA

61-3-713, MCA

61-10-121, MCA

61-10-141, MCA

Title 23, Code of Federal Regulations, 657 and 658

Title 23, Code of Federal Regulations, 657.17 and 657.21

Motor Carrier Services Division Created

Vehicle Registration

Permits for Excess Size and Weight

Commercial Vehicle Weighing and Motor Carrier Safety

Commercial Vehicle Weighing and Associated Statistical Collection and Reporting

Federal Highway Construction Fund Qualifications

### **GOALS AND OBJECTIVES:**

Protect Montana's and the Federal Government's investment in Montana's highway system and assure the safety of the traveling public through customer service oriented regulation of the commercial motor carrier industry and enforcement of state and federal commercial motor carrier laws and regulations.

- Weigh commercial vehicles, conduct vehicle and driver safety inspections, take enforcement action as necessary and maintain statistical records. (1-US,MT)
- Register, license and permit commercial vehicles, collect associated revenue and maintain statistical records. (1-MT)
- Provide incident investigation and fuel sample collection support for the State Fuel Tax Evasion Program (1-MT)

## **AERONAUTICS PROGRAM (40) STATUTORY AUTHORIZATIONS:**

67-1-102, MCA	Search and rescue program expansion
67-1-102, 67-2-105, 67-2-401, MCA	To register Montana-based aircraft and pilots
(1) 67-1-105, 67-3-101, 67-3-102, 67-3-103, 67-3-104, 67-3-105	Flight safety
67-3-201, 67-3-202, 67-3-203, 67-3-204, 67-3-205, 67-3-206, 67-3-211, MCA	Aircraft aircrews, and instructors
67-2-101, MCA	Aeronautical powers and duties of department
67-1-105, MCA	Penalties
67-3-401, 67-3-402, 67-3-403, 67-3-404, 67-3-405, MCA	Air operators and air carriers
67-1-104, MCA	Governmental nature of aeronautical functions
67-2-301, 67-2-302, MCA/49 USC 1354 (2)	Maximum fee schedule
49 USC 1422	Airman certificates
49 USC 1356	Screening procedures for passengers
67-5-101, MCA	Airport hazard regulations
49 USC 1357	Air transportation security
49 USC 1358	Airport security in Alaska
49 USC 1421	Powers and duties of Secretary of Transportation
49 USC 1655(c)	Federal aviation agency; functions, powers, and duties of administrator
Public Law 463, 81st Congress	Public airports near national parks
67-1-301, 67-1-304, MCA	Money-receipt and disbursement; airport grants and loans
Public Law 557	National SAR Plan - Contractual agreement between United States Air Force Air Rescue Coordination Center and Montana Governor

### **GOALS AND OBJECTIVES:**

To encourage, foster and assist in the development of aeronautics services within the state, the establishment of airports and other air navigation facilities and to promote aviation education and safety.

- Increase airline and general aviation activity and advance further growth of Montana aviation organizations. (1-MT)
- Provide for the protection and promotion of flight safety, the flying public and other state aviation interests. (1-MT)
- Continue to expand and improve the statewide air search and rescue program. (1)
- Provide airport development programs to assist airport sponsors to plan, construct and maintain Montana's public use airports. (1-MT)
- Provide safe, modern, well-maintained state-owned and operated airports including the Yellowstone commercial service airport. (1-MT)

## **TRANSPORTATION PLANNING (50) STATUTORY AUTHORIZATIONS:**

15-70-101, MCA	Disposition of gasoline tax
60-3-206, MCA	Apportionment of state funds to secondary highway system
60-21-101, MCA	Department of transportation authorized to represent the state on public transportation issues

### **GOALS AND OBJECTIVES:**

Develop and implement a Long-Range Multi-Modal Construction Program that addresses Montana's most important statewide transportation needs

- Program is consistent with statewide long-range transportation plan and management system output. (1-US,MT)
- Construction priorities demonstrate cost benefits, comply with Federal and State statutes and meet all applicable deadlines. (1-US,MT)
- Construction and grant program finances are available when needed (by program, sub-allocation and phase). (1-US,MT)
- Use of reimbursable Federal funds (versus State funds) is maximized. (1-US,MT)
- No Federal obligation authority is lost and no Federal apportionments or grants lapse. (1-US,MT)
- Discretionary grant proposals or emergency relief funding requests are submitted by deadlines with accurate information, sufficient detail and supporting documents. (1-US,MT)

Support Development and Safety of Montana's Multi-Modal Transportation System

- Annually review and report on the performance of Montana's transportation system. (1-US,MT)
- Provide continuous opportunity for public input into transportation planning goals and products and respond to citizen inquiries in a timely fashion. (1-US,MT)

- Initiate implementation of Federally mandated statewide multi-modal transportation plan. (1-US,MT)
- Maintain a state presence within Federal transportation policy development. (1-US,MT)
- Facilitate negotiations towards cost sharing (public/private partnerships) as opportunities arise. (1-US,MT)
- Work to protect Montana's passenger and freight rail services. (1-US,MT)
- In support of our urban transportation planning partners:
  - provide technical data, modeling support and program guidance;
  - maintain and update urban area multi-modal transportation plans;
  - participate with Federal government in peer reviews;
  - coordinate, and approve funding for annual work programs and transportation improvement programs;
  - work toward improving transportation related air quality and coordinate conformity in non-attainment areas. (1-US,MT)
- Assist local governments to plan, design and construct Community Transportation Enhancement projects and maximize the utilization of this category of Federal funds. (1-US,MT)
- Assist the transportation disadvantaged and transit services in our small communities by funding transit programs for capital projects, planning, operating assistance and training programs; and by providing technical assistance. (1-US,MT)
- Improve the safety of the highway system by conducting training, providing educational and financial support to communities, area programs and schools through a focus on seatbelt usage, use of child safety seats and a reduction in Driving Under the Influence (DUI). (1-US,MT)
- Improve planning and programming decisions by maintaining accurate management system data; and provide accurate data for the distribution of funds, the management of the systems and compliance with Federal requirements. (1-US,MT)

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## Department of Livestock

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### LIVESTOCK AUTHORIZATIONS:

2-15-3101, MCA  
Title 81 MCA

Provisions  
Operations

### CENTRALIZED SERVICES AUTHORIZATIONS:

The Centralized Services Division operates under the statutes for accounting, budgeting, payroll, personnel administration, property management, and revenue collection functions by a state agency. The division also provides the overall management of the Milk Control Bureau.

### GOALS AND OBJECTIVES:

The responsibilities of the Centralized Services Division are accounting, budgeting, payroll, personnel, legal services, purchasing, data processing, general services, milk pricing and auditing, and administrative functions for the department. The overall goals of this division are to provide fiscal and budgeting support; guidance and direction; policy development and implementation; and interpretation of rules, regulations, and statutes for the overall benefit of the department. In addition, administrative and support services are provided that allow all programs within the department to operate efficiently and effectively in delivering services to livestock and related industries in Montana. (1-MT)

The Board of Livestock establishes policy; approves budget requests; provides information to and at request of the Governor; prescribes rules; establishes the department's organizational structures; appoints certain positions within the department; and approves agreements between the department and other state, federal or local agencies. All the functions are done with the objective to promote, foster and protect the Montana livestock industry. (1-MT)

The executive officer is appointed by the board to ensure that the department functions in a manner consistent with the directives, policies, and rules as established by the board and laws of Montana. The executive officer monitors the daily functions of the department, cooperates with the Governor, other state and federal agencies, and the legislature in providing technical assistance as necessary. (1-MT)

The Livestock Crimestoppers Commission and the Beef Research and Marketing Committee are administratively attached. (1-MT)

Agency legal services are provided by the staff attorney. This staff member participates in all litigation directly impacting the department, advises staff regarding proper and/or legal procedures, drafts rule and rule changes, and legislation. (1-MT)

Provides accounting, budgeting, payroll, purchasing, data processing, personnel, and general supportive services to the department. (1-MT & U.S.)

## **DIAGNOSTIC LABORATORY AUTHORIZATIONS:**

Title 81, Chapter 2, part 1 (b) and (c), MCA

### **GOALS AND OBJECTIVES:**

The goals of the Diagnostic Laboratory Division are:

- to provide accurate, timely test results which help to minimize economic losses to livestock producers;
- to provide timely and accurate test results to regulatory officials to assist in contagious livestock diseases control;
- to respond in a timely manner to test requirement changes for livestock and livestock products which enable Montana producers to participate in interstate and international commerce;
- to be knowledgeable of animal diseases and the technology to identify them;
- to share information on animal health problems with producers, animal owners, and veterinarians;
- to provide continuing education to veterinary professions and animal owners through local meetings, education programs, consultations, and diagnostic investigations;
- to provide laboratory data on animal rabies and other zoonotic diseases to help protect the public health; and
- to provide services in a fiscally responsible manner. (1-MT)
- to perform immunology, bacteriology, and virology tests required for interstate and international livestock shipments. (1-MT & US)
- to investigate and diagnose animal disease reports through pathology investigations; clinical pathology, bacteriology, virology, and serology testing. (1-MT)
- to perform regulatory required testing on game farm animals and migrating bison out of Yellowstone National Park. (1-MT & U.S.)
- to perform diagnostic investigations and testing that are public health related - rabies, dairy products, salmonellosis, tularemia. (1-MT & U.S.)
- to perform diagnostic services and medical research involving both game and non-game species. (1-MT)

## **DISEASE CONTROL PROGRAM AUTHORIZATIONS:**

Title 81, Chapters 1, 2, 5, 7, 8, 9, and 20, MCA

### **GOALS AND OBJECTIVES:**

The goals of the Disease Control Program, Animal Health Division, are to protect the Montana livestock industry from disease loss by providing for the diagnosis, prevention, control, and eradication of animal disease; and, in cooperation with the Department of Health and Environmental Sciences, protect human health against animal transmissible diseases. (1-MT & U.S.)

- Supervise the livestock and animal import permit system as provided for in Montana statutes, and document all export activities of livestock. (1-MT & U.S.)
- An after hours answering service is available to importers for issuance of import permits to comply with Montana codes and administrative rules. (1-MT)
- Veterinary positions conduct supervision over livestock markets, rendering plants, import activities, and disease investigations. All reports of any non-routine disease occurrences are investigated. Quarantine enforcement, disease investigations, herd tests, and animal examinations are done as needed. (1-MT)
- To control infectious diseases of game farm animals; comprehensive rules regulating containment, testing, identification, and transportation of game farm cervine have been implemented. The rules were developed in cooperation with the Department of Fish, Wildlife and Parks. (1-MT)
- Control brucellosis infected bison migrating into Park and Gallatin counties from Yellowstone National Park. State and federal agencies are working cooperatively to develop a bison management environmental impact statement. (1-MT & U.S.)
- Compile and summarize animal disease reports in order to assess disease prevalence and experiences, and determine trends and anticipate control needs for Montana producers. (1-MT)
- Reviewed and compile disease serology reports. These surveillance reports help identify trends and needs for control measures. (1-MT)
- Management of live animal hunting of predators. Thirty hunting permits for aerial hunting of fox and coyotes were issued in FY94. (2-MT)
- Maintain surveillance for incidence and prevalence of animal rabies and human rabies exposures. (3-MT)
- Follow up on all laboratory positive reports of animal rabies. (3-MT)
- Coordinate with the Department of Health and Environmental Sciences on pre and post exposure consultation to evaluate level of exposure. (3-MT)
- Maintain statistics and records of temporal and geographical occurrences of rabies and make epidemiological analysis of the data. (3-MT)
- Offer sylvatic rabies species suppression programs on an as needed basis at strategic locations. (3-MT)
- Manage imposition and release of county area rabies quarantines. (3-MT)

- Follow up bitten and biting animals by impoundment of animals, examination, inspection, and testing. (3-MT)

#### **MILK AND EGG INSPECTION PROGRAM AUTHORIZATIONS:**

Title 81, Chapter 20, MCA	Poultry and egg inspection
Title 81, Chapter 21, MCA	Dairy products regulation and licensing
Title 81, Chapter 22, MCA	Outlines the regulations, inspection, and licensing requirements for manufactured dairy products

#### **GOALS AND OBJECTIVES:**

The goal of the Milk & Egg Program within the Meat, Milk & Egg Inspection Division, is to ensure that eggs, milk and milk products sold or manufactured in Montana are fit for human consumption. (1-MT & U.S.)

- Meet National Conference of Interstate Milk Shippers standards through inspection and sampling requirements performed by four field sanitarians. (1-MT & U.S.)
- Quarterly shell egg surveillance, inspect each licensed retail wholesale outlet twice a year, and license egg graders. (3-MT & U.S.)
- Inspect each shipment of frozen chickens and turkeys when they come into Helena. (3-MT & U.S.)
- Participation in the National Conference of Interstate Milk Shippers (NCIMS). The NCIMS meets every two years and is a blend of federal (PHS/FDA) regulatory, state regulatory, and industry representatives. All fifty (50) states participate. (1-MT & U.S.)

#### **INSPECTION AND CONTROL PROGRAM AUTHORIZATIONS:**

Title 81, Chapters 1, 3, 4, 5, 6, 8, and 9

#### **GOALS AND OBJECTIVES:**

Perform professional law enforcement and investigative work in the tracking of livestock ownership and in the deterrence and/or solution of related criminal activities. (1-MT)

- POST certified law enforcement officers with full arrest authority.
- Work cooperatively with local, state, and federal law enforcement agencies - FBI, BIA, U. S. Forest Service, P & S Administration, U.S. Attorney, Department of Justice criminal investigators, the Montana attorney general, county attorneys, sheriff departments, and other state livestock regulatory agencies and personnel.
- Inspect the brands of all livestock crossing county and state lines and/or changing ownership. This includes all livestock coming into and going out of the 15 Montana livestock markets. (1-MT)
- Collection of the Federal Farm Bill mandated \$1.00 per head beef check-off fee for the Montana Beef Council on all change of ownership cattle inspections. (1-MT)
- Record all livestock brands and transfers. (1-MT)
- Maintain the livestock lien program. (3-MT)
- License the 15 livestock auctions and the 750 livestock dealers; regulate livestock markets on all matters affecting the relationship between the livestock market and owners of livestock, and between the livestock market and the purchasers of livestock. Monitor the financial condition of the livestock markets; livestock dealers; and where the department is trustee the trust fund agreements, certificates of deposit, and letters of credit. (2-MT & U.S.)
- Respond to all inquiries and complaints from the public, private producers, and governmental officials on all aspects of the Brand Enforcement Division. (1-MT)
- Coordinate and cooperate with the stockgrowers; woolgrowers; Farm Bureau; Livestock Market's Associations; local and state law enforcement groups such as the Montana Sheriffs and Peace Officers Association, Law Enforcement Coordinating Committee, Montana Law Enforcement Academy; and other groups including the state-wide Emergency and Disaster Control, Montana County Attorneys Association, International Livestock Identification and Theft Investigators Association, and Western States Livestock Investigators Association. (1-MT)

#### **PREDATOR CONTROL AUTHORIZATIONS:**

Title 81, Chapter 7, MCA

#### **GOALS AND OBJECTIVES:**

The goal of the Predator Control Program, which is supervised by the Inspection and Control Division, is to provide livestock producers with protection from certain types of predators that kill or injure domestic livestock, and to alleviate problems caused by species that may endanger human health or safety (1-MT)

- Cooperative agreements with Powder River, Carter, and McCone counties and the U.S.D.A./A.P.H.I.S, Animal Damage Control. (1-MT)
- Contract license aerial hunting pilots. (1-MT)

## **MEAT AND POULTRY INSPECTION AUTHORIZATIONS:**

Title 81, Chapter 9, part 2, MCA.

### **GOALS AND OBJECTIVES:**

The Meat and Poultry Inspection Program, within the Meat, Milk, and Egg Inspection Division, has as its primary function and goal to ensure clean, wholesome, properly labeled meat and poultry products for the consumer. (1-MT)

- Regularly scheduled slaughter inspections at establishments approved for state inspections. (1-MT & U.S.)
- Irregular processing inspections of establishments approved for state inspection. (1-MT & U.S.)
- Unannounced quarterly inspections of custom exempt establishments. These establishments may slaughter and process products for use by the owner, members of his household, and non-paying guests. These products cannot be resold and must be plainly marked "Not for Sale". (1-MT & U.S.)
- Monitoring sanitary conditions and procedures on a regular and on-going basis. Strict sanitation standards of all establishments, facilities, equipment, procedures, and personnel are required; especially during the wild game processing season. (1-MT & U.S.)
- Findings of inspectors, in accordance with the Inspection System Work Plan, are documented in regularly submitted reports. The plan provides guidance, direction, and information necessary to accomplish the objectives of the inspection program. (1-MT)
- Regularly scheduled systematic reviews are conducted by supervisory personnel to evaluate the manner in which in-plant inspection program personnel carry out assigned job responsibilities. (1-MT)
- Regularly scheduled systematic reviews by inspectors and supervisory personnel, are conducted to evaluate compliance with state law, regulations, and requirements. (1-MT)
- Contact retail outlets, hotels, restaurants, and institutions to assure only properly labeled and inspected meat/poultry products are prepared and offered for use or resale. (1-MT)
- Prior approval by the department of all proposed labels with formulation and product ingredients. (1-MT)
- Annual establishment licensing. Any person, firm, or corporation that engages in the business of slaughtering and/or processing of livestock and/or poultry, storing and/or wholesaling the meat products must be licensed by the department. (1-MT)

## **MILK CONTROL AUTHORIZATIONS:**

81-23-204, MCA

Declining, suspending, and revoking licenses - penalties in lieu of suspension or revocation

81-23-302, MCA

Establishment of minimum producer prices

81-23-303, MCA

Rules of fair trade practices

81-23-304, MCA

Limitation on extension of credit to retailers

81-23-305, MCA

Financing prohibitions - producer and retailer

81-23-402, MCA

Report of dealers - accounting system - records

### **GOALS AND OBJECTIVES:**

The goal of the Milk Control Program, which is supervised by the Centralized Services Division, is:

- To regulate the milk industry in a manner that insures compliance with producer minimum pricing through implementation of an auditing system.

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## **Department of Natural Resources and Conservation**

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### **TRUST LAND MANAGEMENT DIVISION STATUTORY AUTHORIZATIONS:**

25 STAT. 679

The Enabling Act of 1889 granted the State certain lands for the support of common schools and other trusts.

Art. I Montana Constitution

Accepts all provisions of the enabling act of Congress.

Art. IX, Sec. 1 Montana Constitution

Calls for a clean and healthful environment for present and future generations.



75-1-103, MCA

Provides for the classification of state lands acquiring full market value for sale of state lands and the exchange of state lands for other lands.

Montana Environmental Policy Act. Promotes efforts to prevent or eliminate damage to the environment and to attain the widest range of beneficial uses of the environment without degradation or other undesirable or unintended consequences.

77-1-202, MCA

Powers and Duties of the Board. Trust lands are held in trust for the support of education and the lands shall be held in trust to secure the largest measure of legitimate and reasonable advantage to the state.

77-1-203, MCA

Multiple Use Management. Provides that the various resources of state lands be managed in a combination that best meets the need of the people and the beneficiaries of the trust.

77-1-204, MCA

Power to sell, lease, or exchange certain state lands. Authorizes the sale and exchange of state lands and leasing of state lands for uses other than agricultural, grazing, timber harvest, or mineral production.

77-1-301, MCA

Powers and Duties of the Department. Provides that the Department has charge of the selecting, exchange, classification, appraisal, leasing management, sale, or other disposition of state lands and the Department shall collect and receive all monies payable to the state from various sources resulting from school trust land uses.

77-1-604, MCA

Resource Development account. Provides for a special revenue fund for the purpose of investing in the improvement and development of state school lands.

77-1-613, MCA

Deduction of portion of income received from sale of timber. Allows for a deduction from timber sale revenue to be used for future timber sale preparation activity.

77-1-801 - 810, MCA

Recreational Use of State Lands. Provide for the use of state lands for general and special recreational use, license required, rules, liability, notification to lessee, recreational use account, compensation for damage to lessee improvements, and weed control management.

77-2-101, MCA

Easements for public uses. Provides for the granting of easements on state lands.

77-2-201, 202 & 203, MCA

Exchanges of land. Provide for the exchanging of state lands with the United States or tribal governments, counties and private lands.

77-2-301, MCA

Sale of state land under board control. Provides for the sale of certain state lands.

77-2-318, MCA

Sale of leased cabin or home sites or city or town lots. Provides for the lessee to make application to purchase a leased home or cabin site.

77-3-102, MCA

Mining leases authorized. Authorizes the leasing of state lands for the purpose of prospecting for or mining of metalliferous minerals or gems.

77-3-201, MCA

Nonmetallic mineral leases authorized. Authorizes the issuance of permits or leases for removal and disposition of nonmetallic minerals on state lands.

77-3-301, MCA

Coal leases authorized. Authorizes the leasing of state owned coal.

77-3-401, MCA

Oil and gas leases authorized. Authorizes the leasing state owned oil and gas resources.

77-3-501, MCA

Lease for underground storage of natural gas authorized. Authorizes the leasing state lands for use for the underground storage of natural gas.

77-4-101, MCA

Geothermal leases authorized. Authorizes the leasing of state owned geothermal resources.

77-5-101, MCA

Classification of lands as state forests. Provides for timbered lands to be designated "state forests"

77-5-102, MCA

Designation of state forests. Identifies specific forest units as individual state forests.

77-5-103, MCA

Role of the Department. Establishes the role of the department in the management of state timberlands.

77-5-115, MCA

Management of isolated forest lands - access. Allows Department to negotiate reciprocal access agreements. Eliminates need to assess non-state actions associated with issuance of access.

77-5-201 - 206, MCA

Sale of timber. Provides for the sale of timber from state timberlands; sale contract terms; forest improvement fees; and Land Board authority in approving/disapproving sales.

77-5-207, MCA

Salvage timber program. Describes the Department's timber salvage program.

77-5-211 - 213, MCA

Permits for timber removal. Allows free permits to be issued to residents for removal of dead, down and inferior timber; issuance of commercial timber permits for harvests up to 100 mbf or 200 mbf in emergencies; and issuance of timber permits up to 25 mbf for farm and ranch repair and development.

77-5-221 - 223, MCA

Annual sustainable yield. Definition; interim sustainable yield; and establishment of the annual sustainable yield as the Department's annual timber sale requirement.

77-6-102, MCA

Surface leases authorized. Authorizes the leasing of state lands for agriculture, grazing, and commercial development.

77-6-201, MCA

Appraisal of grazing lands. Outlines the department's responsibilities in appraising grazing lands owned by the state.

77-6-205, MCA

Renewal leases. Outlines the procedures for renewal of grazing, agricultural and commercial leases.

77-6-208, MCA

Assignment of leases – subleasing – loss of preference right. Provides for the assignment of state leases with approval by the department.

77-6-210, MCA

Cancellation of leases. Authorizes the department to cancel leases for certain causes.

77-6-401 MCA

Pledge or mortgage of leasehold interest in state lands. Authorizes the pledging or mortgaging of the leasehold interest in grazing or agricultural state lands.

77-6-501 MCA

Agricultural leases. Provides for the basis for rental to be charged on state agricultural leases.

77-6-502 MCA

Grazing leases. Provides the basis for rental to be charged on state grazing leases.

77-6-503 MCA

Leases of city lots, town lots, and commercial property. Authorizes the leasing of state lands for town lots, city lots, and land valuable for commercial development.

P.L. 101-624 USC

Authorizes financial support to State Forest to protect, manage and utilize the non-federal forest resources of the United States.

## GOALS AND OBJECTIVES

### Agriculture and Grazing Management Program

- Provide income to the school trust through the orderly leasing, renewal, recording, and assignment, subleasing, and filing of mortgages on grazing and agricultural leases. (1-MT)
  - To renew approximately 1000 leases annually. To conduct billings and to ensure payment of annual rentals on approximately 10,000 existing leases. To issue approximately 50 new leases annually. To process approximately 500 assignments, subleases and mortgages annually.
- Provide periodic review and inspection of existing grazing and agriculture leases to ensure compliance with the lease agreement, statutes, and rules and regulations governing those leases. (2-MT)
  - To annually review approximately 250 leases (non-renewals).
- Manage state grazing and agriculture lands to improve their current productivity and protect the land for sustained long-term use and revenue generation. (1-MT)
  - To undertake approximately 100 management actions annually.
- Maintain an up-to-date Department policy regarding state lease participation in the Federal Farm Program to ensure the state receives its fair share of the program benefits and complies with Federal regulations. (1-MT)
  - To review approximately 2500 individual Farm Program enrollments annually. To monitor compliance with approximately 600 Conservation Reserve Program contracts on state leases.
- Record all agreements and resource information within the Trust Land Marketing System for the orderly retrieval and use of resource information in making management decisions for the benefit of the state school trusts. (1-MT)
  - To record information relating to all leases, licenses and rights of way discussed in other goals.
- Develop new Resource Development projects in the areas of stockwater development, irrigation, and resource protection which will enhance the value of the school trust lands for the benefit of the school trusts. (3-MT)
  - To develop new projects as funds and manpower are available.
- Conduct the orderly review and evaluation on existing Resource Development projects to ensure proper maintenance and protection. (2-MT)
  - To inspect approximately 12 projects annually.
- Inspect and record cultural resource sites on state trust lands to insure the protection and quantification for future reference and preservation. (2-MT)

- To conduct cultural and paleontological reviews on approximately 250 actions annually.
- Continue the water adjudication process on state school trust lands. (1-MT)
- To review approximately 10,000 water rights appropriations and adjudications annually.
- Continue to review, research, and implement computerized management information systems for surface and mineral trust land management. (2-MT)

#### Forest Management Program

- Implement State Forest Land Management Plan (SFLMP) to provide greatest income to the trusts now and in the future. (1-MT)
- Monitor effects of forest management activities on various resources, as prescribed by SFLMP. (1-MT)
- Annually prepare, sell, administer, and measure 42-55 million board feet of timber, pending results of sustained yield study (i.e., as required by 77-5-221-223, MCA). (1-MT)
- Prescribe watershed management practices, water quality impact mitigation measures, soil management measures, and wildlife/fisheries mitigation for approximately 25-35 timber sales to be sold. (1-MT)
- Provide economic analysis and review of approximately six timber sales. (1-MT)
- Develop innovative application of geographic information system (GIS) to support forest management activities. (1-MT)
- Continue stand level inventory project to include an additional 35,000 acres annually. (1-MT)
- Annually update stand level inventory maps and data base on approximately 230,000 acres, and provide updated maps and data by February 1. (1-MT)
- Conduct tree improvement activities as identified in State Lands Tree Improvement Plan. (1-MT)
- Complete hazard reduction on state forest management activities as required by state standards. (1-MT)
- Thin approximately 1000 acres of state-owned timber land to improve composition and growth. (1-MT)
- Collect or purchase approximately 350 bushels of seed needed for the reforestation of state lands. (1-MT)
- Plant approximately 200,000-500,000 seedlings per year following harvest on state forest lands. (1-MT)
- Provide training in forest management activities for field foresters. (2-MT)

#### Minerals Management Program

- Use available technology to manage state mineral resources in an economically efficient and environmentally sound manner. (3-MT)
- Conduct the orderly leasing, permitting, evaluating and recording of oil and gas, metalliferous and non-metalliferous, coal, and sand and gravel agreements for the benefit of the school trust. (1-MT)
  - To provide leasing, recording, and related services for approximately 3,500 existing and 500 new agreements issued annually.
- Review and inspect pre-development plans and operations to assure the protection and the wise use of natural resources on school trust lands. (1-MT)
  - To review approximately 150 plans annually.
- Provide periodic review and inspection of existing mineral leases to ensure compliance with the lease agreement, statute, and rules and regulations. (2-MT)
  - To inspect approximately 100 leases annually.
- Evaluate potential federal and private mineral exchanges for the benefit of the school trust. (3-MT)
  - To evaluate mineral exchanges as requested.
- Continue to audit reported production and royalty payments from oil, gas and other mineral leases through a memorandum of understanding with the Department of Revenue. (1-MT)
  - To conduct approximately 15 field audits annually (multiple leases/audit).
- Continue evaluation of the title question of ownership on the river beds, islands, and abandoned river channels of the navigable rivers throughout the state. (1-MT)
  - To complete approximately 10 evaluations annually.
- Record basic lease agreement information in the Trust Land Marketing System for the orderly retrieval and use of basic lease information. (1-MT)
  - To record information regarding 3,500 existing and 500 new leases annually.

#### Special Use Management Program

- Identify and develop commercial leases of state lands which provide significant monetary return to the trust. (1-MT)
  - Evaluate state lands for potential commercial development.
  - Issue 10 special use leases annually.
- Review and evaluate permanent easement applications for rights of way across state trust lands. (1-MT)
  - Review and issue approximately 150 rights of way easements annually.
- Enter into reciprocal access agreements in order to facilitate timber sales. (2-MT)
  - Complete 5 reciprocal access agreements annually.
- Enter into Federal Road and Trail Act agreements with the US Forest Service for timber management purposes. (2-MT & US)
  - Complete 3 FRTA agreements annually.
- Evaluate and conduct Federal and private land exchange proposals for the benefit of the school trust. (3-MT)
- Evaluate and process exchanges as manpower and priorities allow.

- Evaluate and conduct requests for sales of state trust lands for the benefit of the school trust. (3-MT)
  - To review and process sale requests as dictated by the Land Board.
  - Review and evaluate cabinsite sale applications.
- Evaluate and conduct requests for sales of non trust state land for other state agencies. (3-MT)
- Review and authorize temporary land uses on state lands for uses other than the primary classified use to provide income to the school trust, and provide multiple use of the school trust lands. (1-MT)
  - To issue approximately 100 land use licenses annually.
- Administer the Recreational Use program on school trust lands in accordance with the statutes, administrative rules and departmental policy. (1-MT)
  - Educate recreationists in the state of the program and sell 45,000 general recreational use licenses annually.
  - Issue approximately 200 special recreational use licenses annually.
  - Coordinate with the Department of Fish, Wildlife and Parks on approximately 100 violations annually.
- Annually administer and bill 1,000 special use leases, 500 land use licenses and process 50 assignments. (1-MT)

#### **CENTRAL MANAGEMENT DIVISION STATUTORY AUTHORIZATIONS:**

2-15-3301, MCA	Creates Department of Natural Resources and Conservation
2-15-112, MCA	Duties of Department Heads
2-15-114, MCA	Security responsibilities of departments for data and information technology resources
2-15-121, MCA	Allocation for administrative purposes

Article X, Sections 2 and 3 of the 1972 Montana Constitution - Interests in school trust funds (including the lands) to be inviolate.

77-1-105, MCA	Proper procedures to determine title
77-1-301(2), MCA	Collect and receive all moneys payable
Article II, Section 7-9, Montana Constitution.	Freedom of speech, expression, and press; Right of Participation; Right to Know
29 U.S.C. Sec. 201, et. seq.	Fair Labor Standards Act of 1935
42 U.S.C. Sec. 12101 et. seq.	Americans with Disabilities Act of 1990
42 U.S.C. Sec. 2000e, et. seq.	Civil Rights Act of 1964, et. al.

#### **GOALS AND OBJECTIVES:**

- Provide overall management and policy direction to the Department of Natural Resources, the Board of Land Commissioners, and the Governor's Office on natural resource policy. (1-MT)
- Provide analysis, information and recommendations to the Governor, legislature, and other state decision makers to influence state, regional, and national resource policy. (1-MT)
- To assure that the Department's fiscal management practices are consistent with state statute and regulations. (1-MT)
- Provide timely and accurate financial information to program managers, department management, Governor's Office, and the legislature through coordination of financial services. (1-MT)
- To provide legal advice and representation to the Board of Land Commissioners and the Department. (1-MT)
- To assure proper and timely collection and distribution of revenue earned from trust lands. (1-MT)
- Provide the department with the necessary data processing expertise and equipment to meet current and future needs through management and coordination of the department's information system. (2-MT)
- Provide department personnel and other state agencies, the skill and expertise necessary to produce and disseminate quality publications, reports, displays, maps, and other information-related services through coordination of writing, editing, graphic design and computer-assisted efforts; and to disseminate public information and provide opportunities for public involvement. (2-MT)
- Provide personnel, equal employment opportunity, and affirmative action support services to the department. (2-MT)
- Coordinate the Coal Severance Tax bonds and the general obligation bonds for the repayment of loans through the Renewable Resource Development Program. (1-MT)
- Ensure timely and efficient administrative support services are provided to department personnel through managerial coordination and direction. (2-MT)

## **OIL AND GAS DIVISION STATUTORY AUTHORIZATIONS:**

82-11-111, MCA	Establishes the powers and duties of the Board of Oil and Gas Conservation relative to conservation and prevention of waste through regulation of oil and gas exploration and production.
82-11-111(5), MCA	Establishes jurisdiction of Class II injection wells by the Board of Oil and Gas Conservation
82-11-161, MCA	Establishes the Oil and Gas Production Damage Mitigation Account.
17-7-502, MCA	Establishes a statutory appropriation for expenditures from the Oil and Gas Production Damage Mitigation Account.
82-11-135, MCA	Provides that all money collected under Title 82, Chapter 11 be deposited in the state special revenue fund for the sole purpose of funding the operations of the Board of Oil and Gas Conservation.
82-1-101, MCA	Establishes the Board's authority regarding regulation of seismic exploration.

## **GOALS AND OBJECTIVES:**

- Issue drilling permits in a timely manner, identify those non-conforming permit requests which require Board of Oil and Gas approval, and prepare MEPA compliance documentation for permits on non-federally supervised lands. (1-MT)
  - Issue approximately 350-400 drilling permits per year, conduct MEPA compliance review and prepare documentation for each requested permit.
- Regulate development of oil and gas fields to insure compliance with board rules and accepted industry practice and maximize the efficient recovery of Montana oil and gas resources. (1-MT)
  - Conduct public hearings (approximately 6-7 hearings and 90 applications per year) to promote conservation, prevention of waste and protection of correlative rights for oil and gas operations; to review and approve or reject approximately 600 notices per year pertaining to well work overs, re-completions, abandonments, etc.; to maintain records on approximately 600 operator bonds and approve approximately 100 new bonds per year; to propose and adopt rules pursuant to the Administrative Procedures Act (approximately 2 notices with 10-20 rules each per year).
- Collect, catalog and maintain oil and gas well information and production data, associated geological data and well logs and statistical information and summary data for use by the public and the industry. (2-MT)
  - Maintain database and well files on approximately 35,000 oil and gas wells; process new well data on approximately 350 wells per year; process production reports (6,000/mo, 72,000/year), publish Annual Review and 4 quarterly statistical bulletins and distribute to 800 subscribers; calculate and maintain approximately 400 decline curves per year, maintain core chip catalog on 12,000 wells and add approximately 150 wells each year, maintain regional and field maps by adding new wells and status changes (approximately 900 entries).
- Operate a field inspection program to insure compliance with the board's rules and to resolve complaints and gather accurate field information for use by the board and staff in making decisions. (2-MT)
  - Conduct inspections on approximately 250 drilling wells, 2,100 producing wells, 300 plugged and abandoned wells and 10 seismic exploration crews; to respond to complaints and provide emergency response for spills, leaks and other environmental problems; to provide recommendations for enforcement actions and reports and data in support of the regulatory program.
- Establish and administer the EPA delegated Underground Injection Control Program for the protection of ground water through regulation of waste disposal and enhanced recovery injection wells (3-MT)
  - Regulate operations of approximately 1400 existing injection wells and issue approximately 30-50 new injection well permits per year, to conduct approximately 1000 well inspections and witness 280 pressure tests per year, to maintain statistics and enforcement records per M.O.U. with the U.S. Environmental Protection Agency.
- Administer the Oil and Gas Production Damage Mitigation Account and available RDGP grants to assure timely plugging and restoration of oil and gas wells where no responsible party exists. (3-MT)
  - To plug and restore approximately 30 sites or wells per year.
- Establish, and certify to the Department of Revenue, production rate decline forecasts for approximately 10-20 new and expanded enhanced recovery projects and re-completed horizontal wells. Certify about 40 new horizontal completions per year to Dept of Revenue. (1-MT)

## **CONSERVATION AND RESOURCE DEVELOPMENT DIVISION STATUTORY AUTHORIZATIONS:**

75-7-101, et. Seq., MCA	The Natural Streambed & Land Preservation Act of 1975
76-15-101, et. seq., MCA	Conservation Districts
76-14-101, et. seq., MCA	Montana Rangeland Resources Act
76-16-101, et. seq., MCA	Grass Conservation Act
90-2-140, MCA	Energy Conservation in Agriculture Resource Development Division
17-5-701, et. seq., MCA	Coal Severance Tax Bonds - Water Development

75-5-1101, et. seq., MCA  
75-6-201, et. seq., MCA  
85-1-601, et. seq., MCA  
85-2-316, et. seq., MCA  
90-2-1101, et. seq., MCA  
90-6-701, et. seq., MCA

Wastewater Treatment Revolving Fund  
Safe Drinking Water  
Renewable Resource Grant and Loan Program  
Reservation of Water  
Reclamation and Development Grants Program  
Treasure State Endowment Program

Renewable Resource Development Loans, Grants  
and Bonds

Public Law 82-500 Federal Clean Water Act as  
amended 33 USC, 1251-1387

## **CONSERVATION DISTRICTS AND GRAZING DISTRICTS**

The division supports 58 soil and water conservation districts and 29 state grazing districts. Conservation districts (CDS) cover the entire state including most cities and towns. CDS are local governments set up under state law and are responsible for the management of the Natural Resources within their boundaries. Each district has five locally elected and two community appointed supervisors that oversee district activities. Grazing Districts are cooperative associations organized under state law to manage grazing lands of diverse ownership.

The Conservation and Resource Development Division (CARDD) provides administrative, technical, financial and legal assistance to all conservation districts and state grazing districts. This also includes direct assistance and a certain amount of supervisory responsibility over 406 district supervisors and approximately 60 staff members.

### **GOALS AND OBJECTIVES:**

- Provide operating assistance to the state's 58 Conservation districts. (1-MT)
  - Provide administrative, legal and technical assistance to 58 conservation districts. Attend a minimum of six to eight conservation district meetings per month. Provide 10 to 20 opinions per year to the districts.
  - Coordinate conservation district activities with state and federal agencies. DEQ, DFWP, EPA, BLM, NRCS, Forest Service, Corp of Engineers meet with these organizations on a quarterly basis.
- Operate the Administrative Grants Program for Conservation Districts. (1-MT)
  - Provide and administer grants to conservation districts based on financial need. Approximately 40 applications are received with \$125,000 allocated annually.
- Operate the 223 Program for Conservation Districts. (1-MT)
  - Provide grants to conservation districts for projects satisfying natural resource management mandates. Process all grants approved by the Resource Conservation Advisory Council.
- Provide assistance and guidance to conservation districts administering the Natural Streambed and Land Preservation Program through operating the 310 Permit Program. (1-MT)
  - Assist conservation districts with problem permit applications and violations of the Natural Streambed & Lands Preservation Act (approximately 50 problem applications per fiscal year).
  - Provide legal interpretation of the Act and rules to clarify administration of the Permit Program to the conservation districts.
- Operate the Nonpoint Source Water Pollution Control Program. (1-MT)
  - The conservation districts have been designated the local nonpoint source agency for all non-federal lands and will assist the districts in establishing watershed plans.
  - Assist with pollution control education and watershed demonstration projects. Approximately three demonstration projects will begin which will demonstrate how to clean up nonpoint source problems. Six water quality workshops will be held.
- Provide Riparian Management Education and Information to Landowners. (1-MT)
  - Develop education displays on riparian grazing management success and produce educational material for Riparian Management.
  - Provide between five and seven riparian management workshops per year to landowners.
- Participate in the statewide conservation district capacity building effort to assist conservation districts in building leadership.
- Coordinate Rangeland Resource Program. (1-MT)
  - Coordinate and promote sound range management practices with private land owners, state agencies, and federal agencies.
  - Finance range improvement practices. Make an average of 10 loans per year at approximately \$23,000 each.
  - Address state range management issues through the Governor's Rangeland Executive Committee. Hold three committee meetings per year.
- Assist in administering the Private Forest Stewardship Assistance Program. (3-MT)

- Work with private landowners to use management practices to reduce fire, weed, insect, and disease infestations and improve grazing, wildlife, fisheries and timber production to meet the landowner's needs. Attend meeting quarterly with participating organizations.

- **Participate in Rural Economic Development. (2-MT)**
  - Assist the various RC&D's in organizing to address rural development on a regional basis. Conservation Districts are key RC&D sponsors.
- **Natural Resources Conservation Education Activities. (2-MT)**
  - Assist CD's in sponsoring the Youth Range Camp, the Natural Resources Youth Camp and Range Days. Assist organization of activities.
  - Administer the education mini grant program to provide funds to conservation districts for conservation education activities through local schools. Between 20 and 24 grants are funded in the amount of \$12,500 per year for this program for lab equipment, other classroom equipment and materials.
- **Provide Conservation District Training. (1-MT)**
  - Provide training for the supervisors and employees in the 58 conservation districts on carrying out their duties and responsibilities. Each year training is conducted at the area meetings of the state's conservation districts. Set up a minimum of 12 training sessions.
- **Coordinate Public/Private natural resource management efforts through watershed approach. (1-MT)**
  - Coordinate private and public natural resource management.
  - Work with the conservation districts on the CRM State Task Group.
  - Assist in establishing Coordinated Resource Management areas to address critical Natural Resource issues
  - Assist and support the planning activities of the Natural Resources Conservation Service to identify and develop water resource conservation projects. The state provides \$63,500 per year for project planning. The Natural Resources Conservation Service provides \$1,350,000 to finish planning and those projects.
- **Assist in Sustainable and Small Scale Agriculture Activities. (1-MT)**
  - Incorporate the principles of sustainable agriculture into conservation district activities. Coordinate activities of the conservation districts and the various farm improvement programs.
  - Support and direct the farm improvement club program aimed at developing sustainable farming approaches
- **Control Saline Seep through the Montana Salinity Control Association. (1-MT)**
  - Improve water quality and control saline seep in 33 counties through proven planning and crop management techniques. To date, this program has developed reclamation plans for 350 cooperatives.
  - Assist in activities like water treatment, weed control, and irrigation to reclaim effected land.
- **Grazing District Supervision and Assistance. (2-MT)**
  - Assist the 29 grazing districts by providing for the conservation, protection, restoration and proper utilization of grass, forage, and range resources.
  - Supervise and coordinate the formation, operation and dissolution of grazing districts

## GRANT AND LOAN PROGRAM

The Conservation and Resource Development Division administers grant and loan programs totaling over 300 million dollars in bond authority and distributing over 5 million dollars in grants each biennium. The majority of this funding is provided to local governments to finance natural resource projects.

## GOALS AND OBJECTIVES:

- **Renewable Resource Grant and Loan Administration. (1-MT)**
  - Provide grants and loans for renewable resource projects for public and private applicants. In the 97 biennium, the Legislature authorized 27 new grants for a total of \$1,686,204. An additional \$125,000 is also available for emergency grants for water projects. To date the department has approved two emergency grants for \$69,285. Also, \$100,000 for private grants was authorized and we are proceeding to obligate these funds for qualified projects.
  - The Legislature authorized a total loan authority of \$24,710,852 for 25 loans. It is expected that approximately \$10 million in loans will be closed for local governments this biennium. The department also has authority to lend money for private water development projects. To date twelve new loans have been recently closed this biennium. A total of 128 loans totaling over \$9 million have been made. For the remainder of the biennium, it is expected that an additional \$500,000 in private loans are expected to be made.
- **Treasure State Endowment Program Administration (2-MT)**
  - Expands the current coal severance tax bond program to include authorized Treasure State Endowment Projects. Infrastructure loans for water and wastewater continue to be administered by CARDD.
- **Reclamation and Development Grants Program Administration (1-MT)**
  - Provide grant assistance to projects that indemnify Montana citizens for the effects of past mineral development on public resources and that meet other crucial state needs serving the public interest. For the 97 biennium, the legislature authorized 15 projects for \$3,067,753.
- **State Wastewater Treatment Revolving Fund Program Administration (1-MT & US)**

-Provide for the issuance of low interest loans to finance wastewater treatment facilities to governmental entities. Currently there are 14 finished projects loans totaling \$28 million. During the 97 biennium, 14 more projects will be funded with loans at a 4% interest rate. The projects will bring in approximately \$15 million in federal funds. The state match is provided by the sale of State General Obligation Bonds. These State Bonds are repaid by the local government borrowers. Next biennium the division will close more loans, plus will continue to administer current loans outstanding.

- Water Reservations Administration. (2-MT)

-Assist conservation districts in administering water reservations. There are 14 districts in the Yellowstone Basin that have water reservations and 18 districts in the Missouri Basin. To date in the Yellowstone Basin, 121 conservation district projects have been approved for final development to use 33,796 acre-feet of water per year. In the Missouri basin, procedure manuals have been developed and are being adopted. Several districts have now begun accepting applications and the first projects are being reviewed for approval.

- State Drinking Water Revolving Fund Program Administration. (1-MT)

-Provide for the issuance of low interest loans to finance drinking water facilities to local governmental entities. We assume there may be 5 to 10 projects funded in the 97 biennium. Loans are projected to have a 4% interest rate. The projects will use 10 to 15 million dollars in federal funds. All state match will be provided by sale of State General Obligation Bonds. These State Bonds are paid by the local government's borrowers.

## WATER RESOURCES DIVISION STATUTORY AUTHORIZATIONS:

18-8-201 through 18-8-212, 85-1-206 through 85-1-208, 85-1-219, MCA

85-1-209 through 85-1-211, 85-1-801, 85-1-811, 85-6-109, MCA

85-1-220, 85-1-501 through 85-1-514, MCA

85-1-215, 85-1-301 through 85-1-332, MCA

85-2-141, MCA

85-1-203, MCA

85-6-109, MCA

85-2-338, MCA

2-15-3308, MCA

85-2-316, MCA

85-2-331, MCA

85-1-704, MCA

85-5-111, MCA

85-1-223, 85-1-214, MCA

85-2-901, MCA et. seq.

85-9-201, MCA et. seq.

85-20-101, MCA et. seq.

85-2-801, MCA et. seq.

85-2-301, MCA et. seq.

85-2-329, MCA et. seq.

85-2-335, MCA et. seq.

85-2-340, MCA et. seq.

85-2-342, MCA et. seq.

85-2-501, MCA et. seq.

85-2-402, 85-2-407 through 85-2-409, MCA.

85-2-403, 85-2-421, MCA et. seq.

85-20-201, MCA

85-2-505, MCA

85-20-301, MCA

85-20-401, MCA et. seq.

85-2-243, MCA

85-2-319, MCA

85-2-321, MCA

85-2-436, MCA

85-2-317, MCA

Constitution, Article IX,

Section 3(4),

Constitution, Article IX,

Section 3(1),

85-2-150, MCA

Project Construction

Project Property Management

Project Power Generation

Project Finance

Water Leasing (Marketing)

State Water Plan

Water User Associations

Upper Clark Fork River Basin Planning

Staff Drought Advisory Committee

Water Reservations

Missouri River and Little Missouri River Basins Water Reservations

Prepare Governor's Water Storage Report

Water Commissioner and Mediator Education

Negotiate Compacts with Other States

Ground Water Assessment

Create Conservancy Districts

Administer Yellowstone River Compact

Diversions Under Yellowstone River Compact

New Appropriations of Water

Teton River Basin Closure

Upper Clark Fork River Basin Closure

Jefferson-Madison River Basins Closure

Upper Missouri River Basins Closure

Groundwater Use/Controlled Ground Water Areas

Water Right Changes

Water Right Transfers

Fort Peck/Montana Compact

Waste and Contamination of Ground Water Prohibited

Northern Cheyenne Compact

U.S. National Park Service/Montana Compact

DNRC Adjudication Assistance to Water Court

Petition for Basin Rule Closure

Milk River Basin Adjudication Priority

Water Leasing Study/FWP

Limitation On Ground Water Appropriations

Water Right Administration and Records

Adjudication

Adjudication

Adjudication

Adjudication

Water Measurement/Chronically Dewatered Streams



85-15-105, MCA et. seq.  
37-43-101, MCA et. seq.  
76-5-101, MCA et. seq.  
85-2-217, MCA

85-2-231, MCA et. seq.

85-2-218, MCA

Dam Safety  
Board of Water Well Contractors  
Floodplain Management  
Suspension of the adjudication of federal reserved water rights while compact negotiations are in process.  
Temporary Preliminary and Preliminary Decrees. Inclusion of compacts in the decrees of the Montana Water Court.  
Process for establishing priority basins.

## **GOALS AND OBJECTIVES:**

### Water Projects

- Minimize the state's liability by inspecting, repairing, maintaining, rehabilitating, and operating state-owned water projects in a safe manner. (1-MT)
  - Proceed with rehabilitation efforts on the Tongue River Dam Project including completion of final design, access road construction, preferred alternative construction, environmental mitigation, and enhancement components. Establish the Northern Cheyenne-Montana Compact Board and the Tongue River Reservoir Advisory Committee.
  - Complete rehabilitation of the Petrolia Dam Project and transfer the project to the water users association.
  - Perform annual inspections on DNRC and DFWP water projects, complete necessary repairs, and perform scheduled rehabilitation.
- Dispose of projects no longer requiring state involvement in their operation and maintenance. (1-MT)
  - Develop plans and finalize transfer of eighteen inactive state water projects.
  - Develop plans and facilitate the transfer of six state water storage projects.
- Operate the Broadwater Power Project in a manner that balances the maximizing of power revenues with ensuring facility safety and environmental protection. (1-MT)
  - Correct plant defects and perform maintenance according to established schedules.
    - Continue Broadwater hydropower mitigation and other license requirements as defined by the Federal Energy Regulatory Commission.
- Ensure that water rights of existing state water projects are properly protected and secured for the life of the project. (2-MT)
  - File and settle objections on claims to existing water rights and water right applications for new appropriations that encroach on state water project water rights.
  - Settle objections filed on the water rights for the state water projects.
- Ensure that state water projects are properly operated and managed (2-MT)
  - Review and update reservoir operating plans for each project at annual water users meetings.
  - Continue to develop water conservation programs and water quality improvement projects for the water projects.
  - Complete the final phase of the Deadman's Basin Water Quality Improvement Project.
  - Implement minimum reservoir pools at the individual water projects.
  - Continue to implement the Integrated Weed Management Plan for all state water projects.
- Assist parties seeking to lease hydropower development rights on state water projects. (3-MT)
  - Explain procedures, contract requirements and costs to inquiring parties.

### Water Management

- Develop the State Water Plan. (2-MT)
  - Continue developing statewide water plan sections that help Montanans resolve water resource conflicts and problems in an efficient and effective manner.
  - Implement state water plan recommendations.
  - Provide assistance to local watershed users in solving water resource problems. Presently, assisting user groups within the Bitterroot, Clark Fork, Flathead, Ruby, Mussellshell, Milk, Big Hole, Sun and other watersheds.
- Conduct technical studies to help local water users resolve water resource allocation and management problems. (1-MT)
  - Complete the upper Beaverhead groundwater/surface water assessment. The study is designed to determine the impact of groundwater development on surface water flows and existing water rights in the upper Beaverhead River and tributaries.
  - Complete the Flint Creek irrigation return flow assessment to help local irrigators improve water management.
    - Complete the assessment of arsenic in the Missouri River drainage and its effects on developing future irrigation
  - Complete the development of a standard water supply and availability model for all major Montana basins.
  - Provide technical assistance in water measurement to aid in the implementation of the water delivery and dewatering prevention plan for the Ruby River watershed.
  - Assist the Flathead Basin Commission with developing and implementing the comprehensive water quality management plan for the basin.
  - Assist the Bitterroot Water Forum develop a watershed plan that addresses: surface water availability and over appropriation, non-point sources of pollution into ground water, and the impacts of increased growth and changing land uses
  - Assist the Upper Clark Fork Steering Committee evaluate the relationship between surface water and ground water in order to protect stream flows and existing water right holders, and to identify available ground water supplies for future uses

- Assist the Upper Clark Fork Steering Committee evaluate the instream flow pilot leasing project and the potential for water storage in the basin.
- Assist the Big Hole Watershed Committee with developing a water budget for the basin.
- Assist the Big Hole Watershed Committee in understanding the hydrology of the basin and evaluating potential solutions to problems caused by low flows including new storage projects.
- Assist with the turbidity/sediment analysis from Nevada Creek reservoir. The analysis is intended to determine ways for reducing sediment releases from the project.
- Provide assistance for developing rural water systems in Montana. (1-MT)
  - Coordinate the State's activities associated with the proposed Rocky Boy's/North Central Montana rural water supply system in order to provide good quality drinking water to residents of North Central Montana.
  - Provide assistance to the Fort Peck Rural County Water District.
- Protect Montana's water resources in international water allocation and management decisions. (2-MT)
  - Negotiate a treaty with Saskatchewan on apportioning the waters within the three forks of the Poplar River. Treaty would also include maintaining water quality standards, groundwater protection, and a mechanism for resolving disputes.
  - Coordinate annually with Saskatchewan, the implementation of the International Joint Commission recommended apportionment for the Poplar River.
  - Continue discussions with British Columbia officials on ways to better manage shared waters within the Kootenai and Flathead drainages.
  - Begin discussions with Alberta and Saskatchewan on ways to better manage the Milk River drainage.
- Protect Montana's water resources in interstate water allocation and management decisions. (2-MT)
  - Provide regular input to the Master Manual review process for the operation and management of the Missouri River Basin to protect Montana's interests.
  - Provide input in the development of the Corp's Annual Operating Plan for the Missouri River mainstem reservoirs.
  - Provide information and other data to the Northwest Power Planning Council and federal agencies on the operation and management of the Columbia River basin.
  - Help administer the Yellowstone River Compact and protect Montana's interest on the four major interstate tributaries of the Yellowstone (Tongue, Clarks Fork, Powder and Big Horn rivers).
- Mitigate Drought Impacts. (2-MT)
  - As needed, prepare monthly water supply and moisture condition reports and distribute them throughout Montana.
  - Each March, prepare a report to the Governor on the potential for drought.
  - Staff the Governor's Drought Advisory Committee and assist the Committee in carrying out its legislated duties.
  - During drought, coordinate natural resource agency responses to mitigate the impact of drought.
  - Help coordinate and assist local drought response committees mitigate drought impacts.
  - Provide technical assistance to local watershed committees in the development of drought mitigation strategies.
- Promote sound groundwater management in Montana. (2-MT)
  - Adopt and implement the comprehensive groundwater plan.
  - Provide technical assistance to water right staff in evaluating water right applications that are contested.
  - Monitor and study groundwater aquifers that have been identified as areas of special concern, such as the upper Flathead Valley, Upper Clark Fork Valley, and the Missouri River Ancestral Channel in Sheridan County.
  - Participate on the Groundwater Assessment Advisory Council.
- Provide Water Resource Education. (2-MT)
  - Help local water users better understand how water is used and managed by organizing and conducting "Know Your Watershed" tours and workshops in watersheds across the state.
  - Conduct water right workshops dealing with adjudication, basin closure, water leasing, water reservations, and water law and other water related issues.
- Provide training and education for water commissioners and water mediators. (3-MT)
- Prepare a biennial report for the Montana legislature and governor on the status and priority of water storage projects in Montana. (3-MT)
- Respond to proposed federal legislation, regulations, and policies that could affect the use and protection of Montana's water resources. (2-MT)

#### Water Rights

- Respond to and resolve complaints regarding alleged water use violations and reduce the number and seriousness of complaints. (1-MT)
  - Complaints will be responded to within 24 hours and resolved within 3 days.
  - Reduce the number of complaints annually by 5 percent.
- Provide adjudication support work for Water Court in priority basins. (2-MT)
  - Examine 4,000 adjudication claims per year.
  - Assist with resolution of objections as required by the Water Court.
  - Conduct field investigations scheduled by the Water Court.
- Provide timely and consistent decision-making on water permit and change applications. (1-MT)

- Process applications without objections within 90 days of filing.
- Provide decisions to grant, modify or proceed to a contested-case hearing on pending applications within 60 days of objections being filed.
- Administer agreement between MPC, U.S. Bureau of Reclamation and DNRC regarding the Missouri River Basin
- Respond to and process petitions and legislation to cease applications for certain water uses in highly appropriated basins. (1-MT)
  - Respond to petitions within 30 days and process them within 90 days of completion of the water availability analysis.
  - Process petitions for controlled ground water areas.
  - Process petitions for rule closure.
  - Administer all legislative closings.
- Respond to and process water leasing applications for public instream flow purposes in highly dewatered streams. (1-MT)
  - Process applications without objections within 90 days of receipt.
- Administer development of water reservations (for purposes other than conservation districts) in a timely manner. (3-MT)
  - Present a recommendation to the Department Director within 90 days of receipt of a detailed development plan.
- Administer implementation of Fort Peck-Montana Compact and Northern Cheyenne-Montana Compact. (1-MT)
  - Prepare reports as specified in the compacts.
- Administer Montana's weather modification permitting, licensing, and monitoring program. (3-MT)
  - Present proposals to the Department Director within 90 days of receipt of the applications.
  - For out-of-state applications requiring an EIS, present proposals to the Director within 12 months of receipt of the applications.
- Administer the National Park Service Montana Compact. (1-MT)
  - Process permit applications for groundwater in accordance with compact criteria and state water laws.
  - Conduct administrative hearings as needed to resolve objections to groundwater permit applications.

#### Water Operations

- Minimize losses from flooding in Montana through the enforcement of minimum building requirements for floodplain development. (2-MT)
  - Provide direction and assistance to 119 city and county floodplain officials.
  - Designate floodplains for six flood-prone areas per year.
- Ensure the competency of monitoring and water well drillers and contractors and to prevent the waste and contamination of groundwater resources within the state. (3-MT)
  - Investigate all complaints against drillers.
  - Administer the water well driller testing program.
- Administer the water well licensing program.
- Identify those dams that pose a threat to lives downstream. (1-MT)
  - Perform hazard classifications on an anticipated 20 dams per year that are 50 acre-feet or larger and are proposed for new construction or rehabilitation
- Ensure the safe operation and maintenance of high hazard dams. (1-MT)
  - Visit 30 or more high-hazard dams annually and review their performance and maintenance with the owner.
  - Test emergency action plans for ten high-hazard dams per year.
- Monitor the construction, rehabilitation, and operation of high-hazard dams to ensure dam safety compliance. (1-MT)
  - Within 60 days of receipt, review plans and specifications to build or rehabilitate high-hazard dams and issue or deny construction permits.
- Monitor construction on five dams per year.
- Ensure the installation of water measuring devices on chronically dewatered streams. (2-MT)
  - Conduct public meetings each year on up to 10 streams that are candidates for chronically dewatered designation.
  - Prepare recommendations each year on up to 3 streams that have been designated as chronically dewatered

#### **MONTANA RESERVED WATER RIGHTS COMPACT COMMISSION STATUTORY AUTHORIZATIONS:**

2-15-212, MCA  
85-2-701, MCA et. seq.  
85-2-217, MCA

85-2-218, MCA  
85-2-231, MCA et. seq  
85-2-321, MCA  
85-20-201, MCA  
85-20-301, MCA  
85-20-401,402, MCA  
(formerly codified at 85-2-706,707,  
MCA)

Creation of the Montana Reserved Water Rights Compact Commission  
Authority granted to the Commission to negotiate with tribes and federal agencies  
Suspension of the adjudication of federal reserved water rights while compact negotiations are in process  
Process for establishing priority basins.  
Inclusion of compacts in the decrees of the Montana Water Court  
Milk River Basin priority  
The Fort Peck-Montana Compact  
The Northern Cheyenne-Montana Compact  
The U.S. National Park Service - Montana Compact

## GOALS AND OBJECTIVES:

- Provide legal, historical and technical information and analysis to the Montana Reserved Water Rights Compact Commission necessary for effective negotiations to quantify federal reserved water rights in Montana. (1-MT)
  - Analyze technical accuracy of reserved water rights claims (hydrology, soils, engineering).
  - Complete technical reports on Crow and Ft. Belknap reservations water resources by 1999.
  - Prepare final report and settlement documents for Rocky Boy's, U.S. Fish and Wildlife Service and BLM by 1999.
  - Provide legal and historical analysis of tribal and federal claims.
  - Maintain an up-to-date computerized data base of natural resource information.
- Participate in the development, negotiation and implementation of reserved water rights compacts with the Indian tribes and federal agencies in Montana. (1-MT)
  - Predict potential impacts of various development scenarios on state water users and resources.
  - Recommend negotiating strategies to Commission.
  - Draft compacts, stipulations for Water Court decrees and federal legislation to implement settlements.
  - Organize public meetings.
  - Monitor implementation of negotiated compacts.
- Provide the same technical support services to the Montana Attorney General's Office for litigated reserved water rights cases if negotiations are terminated. (3)
  - Continue technical review of Blackfeet water resources.
  - Assist in preparation of expert testimony for legal case.
- Provide administrative support to the Montana Reserved Water Rights Compact Commission to facilitate the development and negotiation of reserved water rights compacts with the Indian tribes and federal agencies in Montana. Transcripts, correspondence, budget planning, personnel administration, travel and meeting arrangements. (2-MT)

## FORESTRY DIVISION STATUTORY AUTHORIZATIONS:

Art. I, The Montana Constitution	Accepts all provisions of the enabling act of Montana Constitutional Congress
Art. IX, Sec. 1, The Montana Constitution	Calls for a clean and healthful environment for present and future generations
Art. X, Sec.10, The Montana Constitution	Provides for the classification of state lands, acquiring full market value of state lands and the exchange of state lands for other lands
7-33-22, MCA	Rural Fire Protection
7-33-2108, MCA	Mutual Aid Agreements with Rural Fire Districts
7-33-4112, MCA	Mutual Aid Agreements with Municipal Fire Departments
10-3-2, MCA	Intergovernmental Cooperation
10-3-3, MCA	State Planning & Execution
50-63, MCA	Investigation of Fires
75-1-103, MCA	Montana Environmental Policy Act
76-11-1, MCA	Protection from Fire
76-13-1, MCA	Protection of Forest Resources
76-13-104(1)(2)	Authorizes technical and practical advice concerning forests and related resources
76-13-104(3), 131, and 135, MCA	Provides information and advice about Best Management Practices (BMP)
76-13-2, MCA	Provision of Fire Protection Services
76-13-3, MCA	Mandates the Department to protect and preserve forest resources.
76-13-4, MCA	Control of Timber Slash and Debris
77-1-202, MCA	Powers and Duties of the Board
77-5, MCA	State Forests and Firewardens
77-5-101, MCA	Classification of Lands as State Forests
77-5-103, MCA	Role of the Department
77-5-301 and 307, MCA	Provides standards for the conduct of forest practices in Streamside Management Zones
77-5-4, MCA	Authorizes the Department to establish and maintain a community and urban forestry program and establishes a state special revenue account.
87-3-106, MCA	Hunting and Fishing Prohibited in Fire Danger Areas
Granger-Thye Act of April 24, 1950, Section 5; 16 U.S.C. 572	
Reciprocal Fire Protection Act of May 27, 1955; 42 U.S.C. 1856a	

Sec. of Agriculture Fire Authorization Act of  
December 12, 1975; P.L.94-148; 16 U.S.C. 565a  
1-3.  
Rural Development Act of 1972, P.L. 92-419  
Robert T. Stafford Disaster Relief & Emergency  
Assist. Act, P.L.  
93-288

Cooperative Forestry Assistance Act of 1978, P.L.  
95-313

P.L. 101-624 USC

Authorizes financial support to State Forester to protect, manage and utilize  
the non-federal forest resources of the United States

Federal Aviation Regulations (FAA)

## **GOALS AND OBJECTIVES:**

- Protect the state's natural resources from wildfire, insect pests and disease.
- Sustain or improve the natural resources of private forest land for the good of all Montanans.
- Promote and support conservation practices on all lands in Montana.
- Enforce the state's forest practices laws in a manner which is both fair and consistent to all parties, and which complies with the intent of the legislation.
- Encourage the maintenance, planting and management of trees and shrubs in Montana communities.

### Fire & Aviation Management

**Mission:** A team of trained professionals providing wildland fire service leadership to Montana. A team commissioned by Montana citizens to protect the natural resources of the state by preventing and suppressing wildland fires, and who are accountable to Montana's citizens.

- Issue burning permits within direct protection units. (1-MT)
- Recommend and enforce forest activity restrictions and forest closures as required on direct protection units. (1-MT)
- Conduct railroad, power line and industrial forest operator/user inspections, per prevention plan. (3-MT)
- Review and provide comments to proposed subdivision plats to encourage fire safe developments, per DSL/FPI Guidelines and Fire Risk Rating System. (1-MT)
- Prepare initial attack forces to enable them to control 95% of all direct protection fires to less than 10 acres. (1-MT)
- Screen, procure, develop and distribute approximately \$1,000,000 of federal excess property from Hill AFB, Toole Army Depot, Fort Lewis, Fairchild AFB, Malmstrom AFB and Ellsworth AFB. (1-US)
- Respond to approximately 400 wildfires annually on 5.0 million acres of direct protection & 45.1 million acres of State County cooperative fire protection. (1-MT)
- Coordinate and monitor over 3,000 slash burns covering over 135,000 acres annually (2-US)
- Conduct wildland firefighting training for agency fire personnel and cooperators annually. (2-MT)
- Manage the fire assessment rolls by tracking over 74,000 entries on 5,195,529 acres and collecting over \$1,600,000 from private landowners for fire protection services (1-MT)
- Manage the statewide DSL radio communications network. (1-MT)
- Investigate the cause of all fires on direct protection and, for all person-caused fires, bill the person responsible for starting the fire for suppression costs. (1-MT)
- Implement the 1995 FEMA wildfire mitigation plan for Montana. (1-US)

### Service Forestry

- Make agreements for fire hazard reduction of timber slash on all private land logging operations in Montana and certify compliance with slash standards. (1-MT)
- Enforce the state slash law in cases of non-compliance (1-MT)
- Provide BMP/SMZ information in response to all forest practices notifications, and provide on-site consultations for highest priority operations. (1-MT)
- Conduct audits of the application of Best Management Practices on approximately 45 federal, state and private land activities (2-MT)
- Implement corrective actions for all SMZ rule violations detected (1-MT)
- Implement the Forest Stewardship and Stewardship Incentives programs in cooperation with other agencies and organizations, according to the Montana Stewardship Plan and steering committee decisions (2-US)
- Provide technical assistance to private forest landowners upon request (2-US)
- Provide forestry services to the RC&D Areas as outlined in annual work plans (2-US)
- Increase awareness of the importance of community forestry statewide through the program newsletter, newspaper articles, Arbor Day events, and community forestry awards (1-US)

- Assist Montana communities in developing community forestry leadership, organizations and resources to carry out successful community forestry programs and projects. (1-US)
- Service all technical community forestry requests from Montana communities. (1-US)
- Perform surveys of forest insects and diseases on state and private land, and print and distribute the Montana Insect and Disease Conditions report. (2-MT)
- Produce 880,000 (+/- 10%) bareroot hardwood seedlings for conservation plantings. (1-MT)
- Produce 88,000 bareroot conifers for conservation plantings. (1-MT)
- Produce 500,000 seedlings for reforestation on state forest lands. (1-MT)
- Produce 80,000 containerized seedlings for conservation plantings on private lands in Montana. (1-MT)
- Identify, select and collect seed and cuttings from superior sources and carry out performance evaluations. (2-MT)

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## Department of Revenue

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### DIRECTOR'S OFFICE AUTHORIZATION:

2-15-1301, MCA  
2-15-1302, MCA

Establishment of the Department of Revenue  
The authority for the director of the Department of Revenue

### GOALS AND OBJECTIVES:

- To promote fair and consistent treatment of all taxpayers through uniform application of tax laws; (1-MT)
- To make conducting business with the department as simple and pleasant as possible; (1-MT)
- To continually seek greater efficiency in agency programs, helping to ensure that resources are used wisely; (1-MT)
- To foster a positive relationship with government and citizen groups impacted by taxation policy; (1-MT) and
- To maintain and value a high quality workforce. (1-MT)

#### Office of Legal Affairs

- Collect revenue as efficiently and quickly as possible through effective use of litigation techniques and alternative dispute resolution techniques; (1-MT)
- Provide quality legal advice to the Department in order to prevent problems; (1-MT)
- Complete all requests for legal opinions requested by the director or division administrators within 45 days; (3-MT)
- File all court documents, including bankruptcies in a timely manner; (1-MT)
- Manage all bankruptcies involving state taxes administered by the Department in coordination with the Attorney General; (1-MT)
- Provide legal assistance to the Liquor Division on alcohol control issues; (1-MT)
- Review all administrative rule proposals; (1-MT)
- Draft legislation for the Department; (2 -MT) and
- Educate and assist attorneys and the public on how to resolve tax disputes; (3 -MT)

#### Office of Personnel and Training

- Provide personnel support, expertise, and guidance to management to enable the department to accomplish its objectives; (1-MT)
- Process 95 percent of reclassification requests within 30 days of receipt, and maintain full classification delegated authority; (2-MT)
- Process all recruitment requests within two days of receipt; (2-MT)
- Monitor compliance with the department Affirmative Action Plan and complete the required annual Affirmative Action Report; (2-MT)
- Promptly respond to and/or investigate discrimination, labor and other employee complaints and grievances; (2-MT)
- Update department personnel policies; (3-MT)
- Provide information within three days of request from all division management, employees and applicants; (3-MT)
- Negotiate labor contracts and monitor compliance; (1-MT)
- Monitor compliance with the Americans With Disabilities Act; (3 - US) and
- Develop and conduct necessary and relevant training for management and staff. (3-MT)

#### Office of Research and Information

- Provide assistance to the Director's Office in the formulation and analyses of alternative tax policy proposals; (1-MT)
- Provide assistance to the Office of Legal Affairs in the development and presentation of research, exhibits, and testimony in litigated cases; (1-MT)

- Provide assistance to the Property Assessment Division in issues pertaining to the taxation of property (e.g., sales/assessment ratio studies, railroad and airline tax rate analyses, personal property taxation methodologies, evaluate reappraisal quality, etc.), (1-MT)
- Provide assistance to the Income Tax Division (e.g., analyses of accounts receivable administration using statistical methods, analyze "tax gap" in Montana, etc.); (1-MT)
- Provide assistance to the Operations Division (e.g., develops and monitors appropriate methodologies to estimate accounting accruals associated with revenue objects requiring an estimated accrual); (1-MT)
- Provide assistance to the Governor's Office of Budget and Program Planning (e.g., formulation of revenue estimates, impacts of policy proposals, prepares suggested replies to correspondence from taxpayers, etc.); (2-MT)
- Provide assistance to the legislature in the development and analyses of specific tax proposals and major comprehensive tax reform proposals; (2-MT)
- Prepare fiscal notes detailing the impacts of each piece of tax-related legislation introduced during regular and special legislative sessions; (3-MT)
- Monitor tax issues, changes, legislation, etc., at the national level and in other states to stay up to date in the development of emerging tax issues and policy; (3-MT)
- Publishes the department's *Biennial Report* (see statutory reference) prior to the regularly scheduled legislative sessions for dissemination to the Governor, the legislature, and other interested public and private sector parties; (3-MT), and
- Publishes the department's *Tax Expenditure Report* (in conjunction with the publication of the *Biennial Report*), the *Guide to Taxes Administered by the Department of Revenue*, and the *Taxpayer's Digest*. (3-MT)

#### **OPERATIONS DIVISION AUTHORIZATIONS:**

All Tax Laws	Assumes the basic support structure is in place so the personnel assigned to specific tax law functions have the support necessary to operate
16-1-404, MCA	Distribution of a portion of the liquor tax to counties, cities, and towns based on proportionate sales.
16-1-410, MCA	Distribution of a portion of the beer tax to incorporated cities and towns based on population
16-1-411, MCA	Distribution of a portion of the wine tax to counties, cities, and towns based on population.

#### **GOALS AND OBJECTIVES:**

- Deposit all tax collections received by the agency within 24 hours of receipt, except at the end of each calendar quarter and from April 1st to May 15th when collections will be processed based on the availability of staff resources and physical space; (1-MT)
- Process all tax return documents received through the mailroom within 24 hours of receipt, except at the end of each calendar quarter and from April 1st to May 15th when collections will be processed based on the availability of staff resources and physical space; (1-MT)
- Insure the proper accounting of all revenues collected and disbursements made by the agency; (1-MT)
- Process all payroll documents within biweekly deadlines; (1-MT)
- Complete system development projects within the appropriate project deadlines; (1-MT)
- Complete all system enhancement requests within the time frame established for each request; (1-MT)
- Operate all production systems according to the predefined schedule for each system; (1-MT)
- Install and maintain all department computer hardware (AS400, and 600+ personal computers and workstations located throughout the state); (1-MT)
- Process all incoming mail within four hours of receipt except during periods of peak processing; (2-MT)
- Process all accounting documents received within 30 calendar days of receipt; (2-MT)
- Data enter and process all corporation and individual income tax extension requests such that the information is available when the returns are processed; (2-MT)
- Data enter and process all oil and gas net proceeds data such that certification notices can be provided to the counties within 60 days of the end of each calendar quarter; (2-MT)
- Data enter and process Local Government Severance Tax quarterly data such that distribution can be made to the counties in May and November of each year; (2-MT)
- Data enter and process all income tax returns by December 31 of each year; (3-MT)
- Provide financial information to division administrators, other state agencies, and the general public within specified time limitations; (3-MT), and
- Process all requisitions for supplies and equipment within one week from the date of receipt (3-MT)

#### **LIQUOR DIVISION AUTHORIZATIONS:**

Title 16, MCA - Alcohol

Title 16, Chapter 1, MCA	Concerns administration and taxation and addresses scope and code and exemptions, Department of Revenue powers, duties and limitations and taxation of alcoholic beverages.
Title 16, Chapter 2, MCA	Concerns state liquor stores and addresses operation of stores, price of liquor, and sale of table wine.
Title 16, Chapter 3, MCA	Concerns control of liquor, beer, and wine and addresses official seal and other controls, regulation of brewers, beer importers, and beer wholesalers. It also addresses retail sales restrictions and sale of table wine.
Title 16, Chapter 4, MCA	Concerns license administration and addresses beer and wine licenses, all-beverage licenses, special licenses, licensing criteria and licensing fees.
Title 16, Chapter 6, MCA	Concerns enforcement and addresses investigations, prosecutions, and miscellaneous prohibitions and penalties.

#### **GOALS AND OBJECTIVES:**

- Return at least 10 percent of net sales as profit to the general fund and maintain expenses at not more than 15 percent of net sales; (1-MT)
- Improve return on investment by 50 percent over the fiscal 1993 return by the end of fiscal 1997; (1-MT)
- Issue renewed licenses within 15 days of receipt of applications; (2-MT)
- Review the application process in coordination with the Gambling Control Division, Department of Justice, to reduce the processing time and costs of processing; (3-MT), and
- Perform inventory, fiscal and performance audits of all state liquor stores. (3 -MT)

#### **INCOME AND MISCELLANEOUS TAX DIVISION AUTHORIZATIONS:**

Title 15, Chapter 1, MCA	Concerns tax administration and addresses the Department of Revenue, investigations and hearings, protest payments, actions to recover, and alternative remedies. Also addressed are the disposition of tax records, multistate tax compacts and collection of delinquent taxes including warrant for restraint.
Title 15, Chapter 25, MCA	Concerns the dangerous drug tax.
Title 15, Chapter 30, MCA	Concerns individual income tax and addresses rate and return of tax, withholding and estimated tax, and administration and collection.
Title 15, Chapter 32, MCA	Concerns energy-related and ecological incentives and addresses investment in energy conservation or alternative energy, tax credit for purchasing Montana produced organic fertilizer, wind-generated electricity and recycling of material.
Title 15, Chapter 33, MCA	Concerns small business investment incentives and in particular addresses small business investment companies and tax exemptions.
Title 15, Chapter 50, MCA	Concerns public contractor's fees and tax and addresses tax on contractors and contractor's tax return.
Title 15, Chapter 53, MCA	Concerns telephone company license tax.
Title 15, Chapter 60, MCA	Concerns nursing facility utilization fee and addresses collection of the fee.
Title 15, Chapter 65, MCA	Concerns the lodging facility use tax.
Title 30, MCA - Labor	Concerns the administration of the new Old Fund Liability Tax.

#### Miscellaneous Taxes

70-9-105, MCA	Abandoned property (Uniform Unclaimed Property Act)
Title 16, Chapter 1, part 1, MCA	Cigarette tax
16-11-120, MCA	Cigarette wholesaler and retailer license
69-1-101 through 69-1-404, MCA	Consumer counsel tax
Title 69, Chapter 1, MCA	Department of Public Service Regulation tax
Title 72, Chapter 14, parts 1-3, MCA	Escheated estates
10-4-201 through 10-4-212, MCA	Emergency 9-1-1 phone service regulation tax
Title 72, Chapter 16, MCA	Inheritance tax
16-10-2, MCA	Minimum cigarette price law
17-3-301, MCA	National housing tax
Title 35, Chapter 18, MCA	Rural electric and telephone cooperative license tax
Title 15, Chapters 1 and 53, MCA	Telephone company license tax
16-11-1 and 16-11-2, MCA	Tobacco products tax



## GOALS AND OBJECTIVES:

- Administer the statutes and attendant rules in an efficient and equitable manner to insure the fair and equal treatment of all taxpayers, proper compliance, and timely payment of all taxes; (1-MT)
- Achieve and maintain a cost effective level of compliance with the state tax laws in a manner respectful of all citizens; (1-MT)
- Account for tax returns and payments; (1-MT)
- Collect delinquent taxes; (1-MT)
- Inform taxpayers, employers, and practitioners of the income and withholding tax filing requirements; (1-MT)
- Simplify reporting requirements; (2-MT)
- Issue tax refunds promptly; (2-MT)
- Select returns for examination that result in cost effective use of resources; (2-MT)
- Resolve 60 percent of the tax disputes at the division level; (2-MT)
- Respond to taxpayers written inquiries within 15 days and return all telephone inquiries within two working days; (3-MT), and
- Attain compliance with the many tax laws by enhanced computer matching of tax records with other available information. (3-MT)

## NATURAL RESOURCES AND CORPORATE TAX AUTHORIZATIONS

### Title 15 - Taxation

Chapter 1	Concerns tax administration and addresses the Department of Revenue, investigations and hearings, protest payments, actions to recover, and alternative remedies. Also addressed are the disposition of tax records, multistate tax compacts and collection of delinquent taxes including warrant for restraint.
Chapter 23	Concerns centrally assessed property and addresses railroads, public utilities, airlines, mine net proceeds, oil and gas net proceeds, coal gross proceeds, and metal mines gross proceeds.
Chapter 31	Concerns corporation license or income tax and addresses corporation licenses, collection of delinquent taxes including warrant for restraint, tax rate and return, small business corporations, allocation and apportionment of income and corporation income tax. The chapter also addresses lists of corporations and banks and savings and loan associations.
Chapter 32	Concerns energy-related and ecological incentives and addresses investment in energy conservation or alternative energy, tax credit for purchasing Montana produced organic fertilizer, wind-generated electricity and recycling of material.
Chapter 33	Concerns small business investment incentives and in particular address small business investment companies and tax exemptions.
Chapter 35	Concerns the coal severance tax and in particular the New Coal Production Incentive Tax Credit Act.
Chapter 36	Concerns oil and gas severance tax.
Chapter 37	Concerns mining license tax and addresses metalliferous mines and micaceous mineral mines
Chapter 38	Concerns resource indemnity trust tax (RITT) and addresses the resource indemnity trust fund
Chapter 51	Concerns electrical energy producer's tax.
Chapter 59	Concerns cement taxes and addresses cement and gypsum producers and also cement dealers

### Federal and State Royalties

Authority for this tax is set forth in a Memorandum of Understanding dated February 20, 1992 between the Montana Department of Revenue and the Montana Department of State Lands and is as follows:

- federal royalties: 30 USC § 1735
- state royalties:
  - 1972 Montana Constitution, Art X, §11
  - \$77-1-202(1), MCA
  - \$77-1-301, MCA

## GOALS AND OBJECTIVES:

The Natural Resource and Corporation Tax Division administers 17 different taxes. These include Corporation License Tax, Oil & Gas Severance Tax, Coal Severance Tax, Metal Mines Tax, Gross & Net Proceeds Tax, Local Government Severance Tax, Electrical Energy License Tax and the Resource Indemnity Trust Tax. The Division also administers the State and Federal Royalty audit programs related to mineral production from State and Federal lands located in Montana.

Taxes administered by the Division generate \$150 - \$175 million in state revenue and \$50 - \$75 million in County revenue annually.

- To administer the statutes and attendant rules in an efficient and equitable manner to insure the fair and equal treatment of all taxpayers, proper compliance, and timely payment of all taxes,
- To properly notify all counties of property valuations based on mineral production,

- To insure the state receives the proper amount of royalties attributable to mineral production from State and Federal lands in Montana;
- To conduct audits throughout the state and nation generating approximately \$15 million in additional revenue for the State and Counties annually;
- To resolve 95% of the cases contested as of June 30, 1994 by the end of 1995 biennium;
- To distribute mining proceeds property valuation notices to the Counties on or before June 15 of each year;
- To certify oil and gas new net proceeds valuations to the Counties within 50 days of the end of each calendar quarter;
- To distribute all local government severance tax revenues on or before the 25th of May and November of each year;
- To complete the coal gross proceeds tax redistribution to the counties by June 30th of each year;
- To distribute corporation license tax received from all financial institutions to the counties in which they are located within 20 days of receipt;
- To process 95% of all requests for the various tax certificates issued by the Division within 5 days of receipt;
- To process 90% of all refunds within 6 weeks or less of receipt;
- To respond to 100% of taxpayers requests for information within 5 days of receipt;
- To annually review all forms and instructions for the purpose of simplifying the filing requirements for taxpayers;
- To conduct field audits of all major coal producers during the 1995 biennium;
- To prioritize audit activities in a manner to insure maximum coverage and to address the most serious compliance problems;
- To audit all Federal oil and gas leases in our work plan as agreed to with Minerals Management Service for the biennium;
- To maximize the benefits of participation in the Multistate Tax Commission through close monitoring of our participation in the joint audit program to ensure at least a 5 to 1 return on our assessment fees.

#### **PROPERTY ASSESSMENT DIVISION AUTHORIZATIONS:**

Article VIII, Section 3 of the Montana Constitution , Property Tax Administration.

Article VIII, Section 4 of the Montana Constitution , Equal Valuation of Property Tax.

Article VIII, Section 7 of the Montana Constitution , Tax Appeals.

#### **Title 15 - Taxation**

Chapter 1	Concerns tax administration and addresses the Department of Revenue, investigations and hearings, protest payments, actions to recover, and alternative remedies. Also addressed are the disposition of tax records, multistate tax compacts and collection of delinquent taxes including warrant for restraint.
Chapter 2	Concerns the composition and organization, powers and duties, and appeal procedure for the State Tax Appeal Board (STAB).
Chapter 6	Concerns property subject to taxation and addresses classification and tax exempt property.
Chapter 7	Concerns appraisal and discusses general methods, greenbelt appraisal, the Realty Transfer Act and appraisal of residential property in areas of changing use.
Chapter 8	Concerns assessment procedure and addresses when, how, where, and to whom property is assessed. The chapter also addresses assessment revision and assessment and map books.
Chapter 9	Concerns equalization.
Chapter 10	Concerns property tax levies and addresses statewide levies, statement of levies, entry of taxes and limitation on property taxes.
Chapter 15	Concerns property tax appeals to the county tax appeal board.
Chapter 23	Concerns centrally assessed property and addresses railroads, public utilities, airlines, mine net proceeds, oil and gas net proceeds, coal gross proceeds, and metal mines gross proceeds.
Chapter 24	Concerns special property tax applications and addresses twenty separate items. These items are: motor vehicle fleets; mobile homes; migratory personal property; insurance companies; production credit associations; building and loan associations; livestock; leasehold and other interests in U.S. property; state and other exempt property; new industry—real property development; remodeling of building or structures; historic properties; commercial property; business incubators; industrial parks; local economic development organizations; value-added manufacturing; and trucks and truck trailers.
Chapter 44	Concerns forest lands tax.

#### **GOALS AND OBJECTIVES:**

- To mass appraise, classify, and assess all taxable commercial and residential land parcels and improvements according to the reappraisal schedule established by the legislature. (1-MT)
- To complete the fourth reappraisal by 1997.
- To secure the necessary funding and personnel and provide training and quality control to ensure the statutory reappraisal requirements are met.
- To annually appraise and assess all business machinery and equipment subject to property tax in Montana. (1-MT)

- To annually obtain property inventories from all businesses and determine the market value of the machinery and equipment.
- To appraise, classify and assess all agricultural and forest lands according to the reappraisal schedule established by the legislature. (1-MT)
- To objectively consider residential and commercial property owners' requests for review of their appraised values. (2-MT)
- To complete the reviews of appraised values within 90 days after receiving a request.
- To annually appraise and assess property owned by businesses operating between counties. (1-MT).
- To annually obtain information on the inter-county income, stock, and debt, and property costs for each business and determine the market value of the business as an operating unit.
- To annually certify taxable values and millage rates and enter the total valuation of each kind of property in the property tax record for all 56 counties. (1-MT).
- To efficiently administer the property tax appraisal and assessment responsibilities assigned to the department by the Montana Constitution (2-MT).
- Utilize funds deposited to the property valuation improvement fund to increase the efficiency of the property appraisal, assessment, and taxation process through improvements in technology and administration.

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## Department of Administration

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### ACCOUNTING AND MANAGEMENT SUPPORT DIVISION AUTHORIZATION:

2-15-1001, MCA	The Department of Administration was established under the Executive Reorganization Act of 1971. The department head is appointed by the Governor in accordance with Section 2-15-111, MCA.
2-15-1002, MCA	The Director of the Department of Administration shall serve as the ex-officio state treasurer.
17-1-102, MCA	Requires the Department of Administration to prescribe and install uniform accounting and reporting for all state agencies and institutions.
2-18-501, MCA	Describes the travel regulations the department is required to maintain.
17-1-111, MCA	Describes the general fiscal duties of the state treasurer
17-1-510, MCA	Requires the department to prepare an annual state indirect cost recovery plan
17-2-101 thru 17-2-107, MCA	Describes the accounting systems and treasury fund structure administered by the Department of Administration.
17-2-110, MCA	Describes fiscal year and required fiscal year financial reports including the preparation of a comprehensive annual financial report by the department
117-2-111, MCA	Describes the review by the department of state special revenue accounts and proprietary accounts and the required review report.
17-2-201 thru 17-2-202, MCA	Describes the department's authority to allow state agencies and institutions to establish and maintain contingent revolving accounts and other non-treasury cash accounts.
17-5-Various, MCA	Describes various responsibilities of the department and, specifically, the state treasurer with respect to the issuance of state debt.
17-6-101, 102 and 105, MCA	Describes specific duties of the state treasurer.
Various	Involved with implementation of the Fair Labor Standards Act, the American Disabilities Act, and the Civil Rights Act as part of the overall management responsibilities of the Director's Office, in department and state personnel issues. Involved with the collection of FICA taxes from public sector employees in coordination with the Public Employee's Retirement Division of DOA (Title 19, chapter 1, MCA).

### GOALS AND OBJECTIVES:

#### Director's Office

- Provide overall leadership, coordination, and policy direction for the department's eight divisions and five administratively attached boards and agencies in a manner consistent with state law and the Governor's priorities (1 - MT/US)
- Provide department-wide budget review, coordination, and management resulting in a comprehensive budget package enabling the Department to best perform its mission while complying with executive and legislative mandates.
- Provide coordination and direction during legislative sessions to present a department-wide consensus on key issues.
- Provide departmental direction in the areas of information technology, building maintenance, purchasing, legal defense, accounting, mail distribution, and other key support areas

- Coordinate and provide direction for personnel policy issues (FLSA, EEO, ADA, SSA, hiring, etc.) for a coherent, consistent department approach.
- Provide top-level management planning, program direction, and project prioritization.
- Serve as a departmental liaison with the legislature, boards and commissions, government agencies, and the public.
- Provide centralized support services and control functions to department clients. (1-MT)
  - Assist in prioritizing and resolving sensitive client concerns and issues.
  - Provide coordination and direction for a coherent, consistent approach to complex areas.
  - Develop departmental business strategies and enhancements to ensure that services are provided in an efficient and cost-effective manner.
  - Coordinate and administer bill drafting and reporting responsibilities pertaining to state debt activity, during regular and special legislative sessions. Perform extensive department bill tracking and division coordination duties.
- Provide centralized legal support for divisions and for attached-to agencies that do not have their own legal staff. (3 - MT) •Advise and assist on legal issues affecting department programs.
  - Review contracts for legal content to ensure compliance with state and federal laws, administrative rules, and policies.
  - Review and approve administrative rules.
  - Assist in reviewing and drafting department legislation.
  - Provide formal legal opinions on issues facing the department.
  - Provide legal advice and opinions to other state government entities, local governments and the public when that assistance furthers the department's mission.
  - Provide litigation and contested case support to the department except for tort claims.
- Coordinate issuance of Long Range Building Program general obligation bonds and tax and revenue anticipation notes. (2-MT)
  - Serve as Executive Secretary for Board of Examiners and chairperson for the Capital Finance Advisory Council.
  - Determine the size, timing, and method of issuing bonds and notes in consultation with the state's financial advisor, bond counsel, and state agencies.
- Provide clerical and administrative support to department and office professional staff. (2-MT)
  - Respond to critical deadlines and requirements.
  - Deal with sensitive issues, the general public, and a large number of general state topics and concerns, in a professional and tactful manner.
  - Provide professional, efficient support on numerous complex legal and financial projects.

#### Division Administrator

- Coordinate, supervise and support the activities of the Accounting and Management Support Division. (1-MT)
- Monitor the General Fund cash flows for the purpose of determining if short-term borrowing is necessary to maintain an adequate balance. (2-MT)
- Coordinate the preparation, negotiation and distribution of the Statewide Cost Allocation Plan (SWCAP) with the company which contracted to provide the services. (2 - MT/US)
- Coordinate the development and preparation of the state fund cost allocation plan and the distribution and billing to state agencies. (3-MT)
- Coordinate the development and operation of the statewide implementation of the regulations related to the Cash Management Improvement Act. (3 - US)

#### Accounting Bureau

- Develop state accounting policies and procedures in accordance with generally accepted accounting principles. (1-MT)
- Provide accounting and financial reporting technical education and assistance to agency personnel. (2- MT)
- Compile and publish the Statewide Comprehensive Annual Financial Report (CAFR). (3-MT)

#### SBAS Support Unit (SSU)

- Maintain and control the Statewide Budgeting and Accounting System (SBAS), the Property Accountability Management System (PAMS) and the internal Financial Reporting System. (1-MT)
- Provide assistance to ensure that each agency properly utilizes both SBAS and PAMS. (2-MT)
- Provide accounting and computer technical education and assistance as it is related to these systems including the use of Online Entry & Edit (OEE). (2-MT)
- Develop enhancements to SBAS, PAMS and the internal Financial Reporting System as needed. (3-MT)

#### Management Support Bureau

- Coordinate the preparation of the Department of Administration's biennial budget request for submission to the Office of Budget and Program Planning (OBPP) and presentation to the Legislature. (1-MT)
- Monitor, analyze and report each division's budget and financial status. (1-MT)
- Monitor, record and pay general obligation bond indebtedness for the State of Montana. (1-MT)
- Act as liaison with OBPP, Legislative Fiscal Analyst and Legislative Auditor regarding budgetary and financial issues and operating policies relating to the Department. (2-MT)

- Provide technical accounting and budgeting advice within the Department and accounting services for the Department's General Fund divisions. (3-MT)
- Maintain Volume One of the Montana Operations manual (MOM) which contains administrative operating policies and procedures applicable to State Agencies. (3-MT)
- Provide administrative assistance and bonding expertise for the state, the Board of Examiners, and the Capital Finance Advisory Council. (2-MT)
  - Coordinate state debt service activity through periodic agency surveys and as staff to the Capital Finance Advisory Council. Responsible for collection of debt issuance fees, TRANS issuance and coordination, financial advisor and bond counsel contract management, volume cap agreement administration, and administrative assistance to other debt issuing agencies as needed.
  - Coordinate and respond to incoming debt questionnaires, surveys, audits, general public inquiries, as required.

#### Treasury Unit

- Receive and account for all money deposited by state agencies and ensure the timely transfer of the state's funds to the central bank clearing account to maximize investment earnings. (1-MT)
- Reconcile all bank accounts to the state's general accounting records (SBAS). (3-MT)

#### Data Processing Unit

- Provide daily operational support for the seven local area networks located within the Department which involves the location, diagnosing and correction of operational errors. (1-MT)
- Assist employees within the Department with the development of computer software applications and resolving related problems. (2-MT)
- Promote the compatibility of systems in the Department through purchase and installation of computer equipment and software that meets current and long-term needs of the divisions. (3-MT)

#### Personnel Services Unit

- Coordinate the Recruitment and Selection Process for all positions in the Department of Administration. (1-MT)
- Under delegated Classification authority, monitor, analyze and recommend the proper classification for all positions within the Department to insure internal equity within the Department and State Government. (1-MT)
- Provide Discipline/Grievance Handling guidance to Supervisors and Managers to insure personnel policies and procedures are adhered to and employees are treated fairly and consistently. (1-MT)
- Provide Salary/Benefit Administration for all employees of the Department. (1-MT)
- Develop and administer department personnel policies and procedures (1-MT)
- Represent the department at Labor Relation Meetings for five collective bargaining units. (2-MT)
- Develop the department's Affirmative Action Plan and interpret EEO rules. (2 - US)
- Coordinate training opportunities for department employees for mandatory training programs including Preventing Harassment, AIDS, Windmills. (3-MT)
- Provide new employee orientation for all new employees hired by the department. (3-MT)
- Provide outreach training to Job Service, Project Work Program, Career Training Institute, and participates in On-Campus Recruitment to recruit and retain a qualified and diversified work force. (3-MT)
- Develop personnel policies and procedures to fit the needs of the Department of Administration. (3-MT)
- Maintain volume III of the Montana Operations Manual (MOM) which contains state personnel policies and procedures. (3-MT)
- Contact individuals interested in state employment. (3-MT)

### **ARCHITECTURE AND ENGINEERING DIVISION AUTHORIZATION:**

17-7-201/212, MCA	Long Range Building Program and Budget
18-1-201/206, MCA	Bid Security
18-2-101/122, MCA	General Provisions
18-2-201/208, MCA	Performance, Labor and Materials Bonds
18-2-301/315, MCA	Contract Requirements and Restrictions
18-8-201/212, MCA	Architectural, Engineering & Land Surveying Services
22-2-401/408, MCA	Art for State Buildings

### **GOALS AND OBJECTIVES**

- Present a single, comprehensive, and prioritized plan for allocating state resources for the purpose of capital construction and repair and maintenance of state-owned facilities and to prepare the Long Range Building Program (LRBP) for presentation to the Legislature. (1-MT)
  - Solicit agency requests by July 1 of each even-numbered year
  - Compile and evaluate all requests
  - Develop revenue estimate for the cash program

- Recommend projects to be included in the executive budget
- Prioritize projects
- Author the LRBP
- Distribute copies of the LRBP to agencies and the Legislature
- Present the program to the Legislature
- Conduct the architect/engineer selection process. (1-MT)
  - Compile requests for appointments
  - Advertise projects to Montana design professionals
  - Receive proposals and assist agencies in evaluating the proposals
  - Conduct interviews, when necessary
  - Receive agencies recommendations and present them to the director
  - Notify consultants of appointments made by the director
- Advertise, bid, and award construction contracts within applicable state statutes. (1-MT)
  - Approve documents prior to advertising
  - Advertise projects in accordance with MCA
  - Receive and open bids
  - Evaluate bids and award projects
- Administer construction contracts with contractors. (1-MT)
  - Verify bonds and/or insurance, if applicable
  - Develop and implement Construction Section procedures for responsible and efficient management of state building projects
  - Administer construction contracts on small building projects
  - Perform professional review and interpretation of contracts and contract documents
  - Review and approve Construction Section documents
  - Review and evaluate contract claims and contract changes making recommendations for acceptance or rejection
  - Approve contractor pay requests
  - Review and approve change orders
- Provide budgeting and accounting services for the Architecture and Engineering (A & E) Division and the Long Range Building Program. (1-MT)
  - Oversee financial functions for the LRBP and the A & E Division
  - Assign project numbers
  - Prepare financial reports
  - Review, approve, and/or prepare budgeting and/or accounting documents for the LRBP and the A & E Division
  - Evaluate the LRBP's and the A & E Division's accounting system and direct the design and modification of the systems
  - Prepare, present, and defend the A & E Division's biennium budget
  - Allocate funding
  - Project revenues for the LRBP
  - Monitor the A & E Division's budget
  - Review proposed legislation affecting the LRBP and analyze its fiscal impact on the program
  - Prepare fiscal notes
  - Evaluate, establish, and modify internal controls required to maintain integrity of the financial operations
  - Control cash flow for numerous accounting entities
  - Project needs to maintain sufficient cash flow to cover anticipated expenditures
  - Invest or sell short term investments as required
  - Direct and/or participate in development and implementation of division accounting and/or personnel policies
- Administer contracts with architects and engineers. (1-MT)
  - Evaluate fee proposals
  - Negotiate contract terms
  - Enter into a contract with the architect or engineer
  - Approve pay requests
  - Solve contract disputes
  - Research, prepare, and distribute standard specification boilerplate items
- Provide plan and specification reviews for state agencies and units of the university system. (2-MT)
  - Review design for compliance with legislative intent and budget
  - Distribute plans for review by applicable agencies
  - Maintain organization of all new project contract documents by agency and project number
- Provide planning services to all state agencies, state run institutions, and the university system for the LRBP. (2-MT)
  - Evaluate agency facility needs and requests
  - Evaluate specific facility deficiencies
  - Explore potential solutions and/or options
  - Recommend final solutions
  - Evaluate code constraints
  - Estimate project costs

- Provide architectural services for state agencies, state run institutions, and the university system on projects under \$25,000 and on repair and maintenance projects without limit. (3-MT)
  - Coordinate possible projects with using agency
  - Prepare programming, design, construction drawings, and specifications
  - Administer advertising, bidding, and awarding these projects
  - Issue a "Notice to Proceed"
  - Provide construction administration
  - Approve pay requests
  - Perform substantial completion
  - Accept project on behalf of the state (final acceptance)
- Provide mechanical engineering services. (3-MT)
  - Conduct mechanical engineering related plan reviews for projects prepared by the private sector
  - Provide in-house design services and serve as a mechanical consultant to other state agencies
  - Administer energy retrofit programs and construction projects for state buildings
  - Assist the Planning Section by evaluating engineering related LRBP requests and developing appropriate cost estimates

## **PROCUREMENT AND PRINTING DIVISION AUTHORIZATION:**

2-17-301, MCA	Communication Systems
18-7-101-107, MCA	State Printing
18-7-301-307, MCA	Control of State Printing
94 USC 519	Federal Surplus
101 USC 1-9, Section 1208	Excess Surplus
18-4-226, MCA	State Surplus
18-4-123 through 18-5-103, MCA	Central Stores
18-6-101 through 18-6-103, MCA	State Surplus & Salvage
18-5-201 through 18-5-205, MCA	Federal Surplus
2-15-101, MCA	Federal Surplus
18-1-101 through 18-1-414, MCA	Public contracts generally
18-4-121 through 18-5-502, MCA	Montana procurement act and special purchasing conditions
18-8-101 through 18-8-112, MCA	Procurement of services

## **GOALS AND OBJECTIVES:**

### Publications and Graphics Bureau

- Provide state agencies centralized services in printing, desktop publishing, layout and design, graphic and illustrative art, forms design, photo reprographics, binding and quick copy. (1-MT)
  - Produce 49.5 million duplicating impressions per year.
  - Produce 15 million duplicating impressions for the legislative session every other year.
- Provide for the administration and management of the state photocopier pool. (2-MT)
  - To provide 170 machines able to produce a total of 23 million copies per year
- Provide for all printing and printing related purchases for state government and provide print coordination, specification writing and claims auditing for contracted printing. (3-MT)
  - Produce 1500 purchase orders each year.

### Property and Supply Bureau

- Provide a central stores program for all state agencies for the central procurement, receiving, warehousing, and distribution of commonly used supplies.
- Operate a federal and a state surplus property program that provides a centralized surplus equipment disposal, sales and warehousing service to all state agencies, cities, counties, school districts, qualified non-profit organizations and the public.

### Purchasing Bureau

- Develop and administer a fair, legal, cost-effective, professional procurement program for the State of Montana by ensuring fair competition according to statute, maximizing the purchasing value of public funds, maintaining an accurate central vendors list, and providing highly trained personnel to determine cost-effective methods for purchasing goods and services.
- Provide professional expertise in procuring a variety of commodities through the competitive process. (1-MT)
- Provide purchasing assistance to buyers to provide effective and efficient service to state agencies (2-MT)
- Provide and allocate natural gas for certain units of state government. (3-MT)
- Provide and manage the Montana public vehicle fueling program for state agencies and political subdivisions. (3-MT)

## INFORMATION SERVICES DIVISION AUTHORIZATIONS:

2-17-501 - 2-17-503, MCA  
2-17-301 - 2-17-305, MCA  
2-17-306 - 2-17-313, MCA  
10-4-101 - 10-4-303, MCA  
20-32-101 - 20-32-104, MCA

Data Processing Authority  
Telecommunications  
Public Safety Communications  
State Emergency Telephone System  
Montana Educational Telecommunications Network

## GOALS AND OBJECTIVES:

### TELECOMMUNICATIONS OPERATIONS BUREAU

- Provide cost-effective, reliable voice telecommunication services on behalf of all state agencies, University System, and other government units:
  - Provide local telephone service, telephones, PBX switching system, key systems, and cable plant at state and university locations.
  - Cost effectively aggregate telephone, data, video, and radio traffic for the benefit of all state agencies.
  - Aggregate statewide contracts for long distance, credit card, 800, and other calling activity to save the state money.
  - Provide video services to support distance learning, continuing education, administrative meetings, and other needs on the facilities mentioned above.
- Provide wide area data network services for all state agencies, University System units, and other government units:
  - Provide wide area data network connections and standards to connect over 100 locations in all 56 counties to the mainframe and other computing platforms.
  - Aggregate Administrative, Justice, University, and Transportation data network facilities into one cost-effective, reliable multi-protocol data network.
- Provide local area data network and distributed computing services to all state agencies and some other government units:
  - Local area data network services to connect nearly 6000 individual computers or terminals to the facilities above to access their local computing facilities, as well as connect to the statewide facilities.
  - Coordinate term contracts, policies, and standards on computing systems and data networks to assure compatibility of state equipment, cost effectiveness of computing expenditures, and optimum use and protection of the data processing investment in each agency.

### COMPUTING OPERATIONS BUREAU

The Computing Operations Bureau's mission is to provide reliable, effective, and efficient automation (computer) services to state government 24 hours per day, 7 days per week. These services include computer processing, data storage and retrieval, and output processing. Managing for maximum service availability and delivery in these areas requires support services on an ongoing basis which include:

- Hardware and software evaluation, installation, and maintenance.
- Configuration planning, performance tuning, and capacity management.
- Facility management, including disaster recovery, security administration, electrical power conditioning, fire detection and suppression, and air conditioning.

In addition, this bureau is heavily involved in modernizing the state's mainframe data center. Current projects underway are aimed at improving performance, quality, ease of use, efficiency, and workload capacity of the computing center while reducing labor intensive, manual functions.

### SYSTEMS SERVICES BUREAU

- Support for Information Systems Development:
  - Augment the productivity of agency information technology personnel by providing centrally-managed, shared technical support services to assist and support the use of systems development software and databases.
  - Facilitate agency systems development and operation by providing professional guidance and assistance in systems and database design and problem resolution.
  - Provide a fully-supported, current set of system software for access, systems development and support, and database management by maintaining current software releases and evaluating, with appropriate agency Information Technology staff participation, new releases and products.
  - Conserve statewide agency personal services (FTE), management, and training budgets by providing a small centralized professional staff of software specialists with expertise in all major software development facilities and databases, avoiding the need for individual agencies to develop this expertise internally.
  - Assure appropriate information technology training is available for information technology developers by ongoing design and review of training curriculum for systems analysis, programming, and database management.
- Information Systems Development:
  - Improve government through implementation of information technology by providing a highly-qualified, experienced staff of systems development professionals (project managers and systems analysts, designers, and programmers) who are available to all state agencies for development of critical business application software.



- Guarantee continued availability and responsiveness of major financial application systems for accounting, payroll, public employees' retirement, and warrant writing by providing application software consulting, development, and ongoing support for the Department of Administration and the State Auditor's Office.
- Ensure agencies with limited or no internal programming staff can depend on production application systems that support agency daily operation by providing a professional programming staff available to support and maintain these systems.
- Reduce statewide agency personal services (FTE), management, training and/or private consultant costs by providing a centralized expert professional staff capable of providing system design and programming services for projects requiring resources beyond that of the permanent agency staff.
- Lessen individual agency FTE requirements for applications systems development and support by supporting agencies' systems with a central pool of information system professionals.
- Support for Information Technology Users:
  - Assure agencies realize greatest possible benefit as a result of their Information Technology implementation by providing services that guide and support state agency selection and state employee use of standard hardware and software products, including training curriculum development; assistance and problem resolution with current software products; evaluating, with appropriate agency participation, new releases and product.
  - Avoid statewide agency personal services (FTE), management, and training expenditure duplication by providing a small centralized professional staff with expertise to support standard desktop and mainframe software and products used by state employees.
  - Foster improved, timely communication and exchange of documents and information among employees of state agencies by implementation and support of a statewide enterprise electronic mail system.
  - Promote and support the use of information technology for dissemination of state government information to Montana citizens and others by providing a Bulletin Board System (BBS), assisting and encouraging state agency use and supporting public access.
  - Assure appropriate information technology training is available for information technology users by ongoing design and review of training curriculum for standard desktop products (word processing and spreadsheets).

#### POLICY, DEVELOPMENT, AND CUSTOMER RELATIONS

- Provide Telecommunications Policy and Development:
  - Provide telecommunications research and development throughout Montana State Government (almost all agencies have no telecommunications staff).
  - Advise agencies on telecommunications systems changes and upgrades and procure agreed to solutions.
  - Advise and set telecommunications policy statewide and interface with agencies, the industry, and regulatory bodies on national and state telecommunications issues.
  - Interact with all departments of government on telecommunications issues that utilize the department's centralized networks.
  - Represent the department with the Montana Educational Network (METNET), working closely with educational offices on the development and deployment of distance learning networks and capabilities.
  - Provide for statewide planning of public safety telecommunications activities and interface with the Federal Communications Commission on behalf of public safety users, both state and local.
- Provide Computing Policy and Development:
  - Provide control and coordination for government to ensure compatibility and cost effectiveness of computing systems acquisitions.
  - Review all agency requests for computing hardware and software for appropriateness.
  - Support cost-effective term contract procurement for standardized computing products (i.e., personal computers).
  - Provide procurement management for division on major computing acquisitions.
  - Perform contract management for all division computing contracts.
  - Manage strategic inter-division (i.e., disaster recovery) and inter-agency (i.e., imaging) projects.
  - Advise and set policy on computer standards that impact product choices and capabilities for agency personnel.
- Provide Technology Development & Design Services:
  - Provide research and development in support of internal ISD technical initiatives and for agency projects as appropriate.
  - Advise agencies on computing and data network issues, including procurement and design assistance, on all computing platforms and networks.
  - Provide control and coordination for government to ensure compatibility and cost effectiveness of computing systems acquisitions.
  - Advise and set policy on computing and data network standards that impact product choices and capabilities for agency personnel.
- Provide Statewide 9-1-1 Program Services:
  - Manage the statewide 9-1-1 system, representing the department with local government and industry in the 9-1-1 implementations.
- Provide Customer Services:
  - Identify products, services, and projects for providing marketing services, integrating marketing with all ISD functions to ensure that the customer receives the best information and service possible
  - Work with customers and ISD staff to improve service deliverables

- Provide first level support on telecommunications and network problems and on data network adds, moves, and changes. Expand services appropriately, making it easier for the customer to interface with ISD by making one communication.
- Provide organized training for data processing staffs and end user staffs in systems analysis, programming, word processing, spreadsheets, and other technical subject areas at less cost than possible by individual agency efforts.
- Provide opportunities for ISD staff to exchange technical knowledge.
- Manage a system for updating, distributing, and archiving ISD policies that affect state agencies.
- Manage ISD external publications for consistency and audience relevance.
- Issue surveys to assess ISD's role as a statewide technology provider.
- Provide lead state security officer functions, coordinating ACF2 implementation, training agency security officers, and providing leadership in all aspects (and platforms) of data security.

#### **GENERAL SERVICES DIVISION AUTHORIZATION:**

2-17-101, MCA

Allocation of space

2-17-111, MCA

Custodial care of capitol buildings and grounds

2-17-301, MCA

Supervision of mailing, duplicating, copying and telephone facilities

#### **GOALS AND OBJECTIVES:**

##### Administrative Unit

- Develop and enforce written specifications for facility services contracts in the Capitol area. (1-MT)
- Supervise the operation of the division. Coordinate all personnel decisions, prepare and defend budget and agency legislation, oversee program development. (1-MT)
- Provide facility services to buildings on the capitol complex for their maintenance and repair (MT):
  - Mechanical Maintenance (1-MT)
  - Janitorial Contracts (3-MT)
  - Security Contract (2-MT)
  - Pest Control (3-MT)
  - Elevator Maintenance (1-MT)
  - Sanitation (1-MT)
- Provide architectural services to the division and other state agencies. Insure that building modifications meet all codes and other legal requirements. Prepare bid specifications and supervise procurement process. (2-MT)
- Provide all accounting services for the division. Prepare annual budget, set rates, and bill and collect for services. (2-MT).
- Survey agency space needs and assign office space in state buildings. (3-MT)
- Negotiate office space leases for state agencies. Ensure that leases contain standard provisions and meet legal requirements (i.e. ADA compliance, liability and nonappropriation clauses). (3-MT)

##### Maintenance and Construction Unit

- Provide basic maintenance support for the buildings on the Capitol Complex including repairs and upkeep, painting, and lock and key maintenance. (1-MT)
- Provide minor project construction services for remodeling on the Capitol Complex. (3-MT)

#### **MAIL AND DISTRIBUTION BUREAU STATUTORY AUTHORIZATION:**

2-17-301, MCA

Supervision of mailing, duplicating, copying, and telephone facilities

#### **GOALS AND OBJECTIVES:**

##### Central Mail Processing

- Provide agencies with cost savings in outgoing mail through the use of presort and automated mail handling. (1-MT)
- Deliver interagency mail. (1-MT)
- Analyze current mail handling techniques and recommend more efficient methods. (1-MT)
- Provide cost saving bulk mail services. (1-MT)
- Provide efficient UPS package processing. (1-MT)

Mail and Distribution Program Performance-based Budgeting (PBB) Goals and Performance Targets  
1999 Biennium

GOAL

PERFORMANCE TARGET

#1. Develop a pricing structure which stabilizes the program's cash flow and provides incentives for agencies to prepare automatable mail.

Retire all program inter-entity loans by the end of FY 1999.  
Base mail processing rates on actual postage plus overhead charges which accurately reflect the processing costs  
Increase the ratio of automated to non automated mail by 30% over the biennium through interagency coordination and agency training in mailing list management.  
Set deadhead mailing rates for the coming biennium to more accurately reflect agency usage and central mail handling costs.

#2. Consistently achieve a high degree of customer satisfaction with the timeliness and quality of mail processing service.

Increase the automation of incoming mail to improve the accuracy of delivery through interagency coordination and agency training.  
99% of quarterly mail test samples must meet the following delivery standards:  
Incoming mail delivered same day received;  
Deadhead mail delivered with 24 hours of receipt; and  
Automatable outgoing mail delivered to USPS same day received unless hold requested by customer.  
Customer satisfaction ratings from surveys down two times per year must meet acceptable service standards.

**PERSONNEL DIVISION AUTHORIZATION:**

2-18-808 through 2-18-814, MCA

Administration of self-insured health and dental program and life insurance program

19-2-101 through 19-2-206, MCA

Administration of deferred compensation program

2-18-1101 through 2-18-1106, MCA

Administration of the incentive awards program

39-31-101 through 39-31-409, MCA.

Collective bargaining responsibilities.

2-18-301 through 303, MCA.

Pay administration responsibilities

2-18-102(2), MCA

Delegation

2-18-201 through 2-18-209, MCA

Classification development, guidelines, review and change, authorization, appeals, comparable worth

2-18-1011, 1012, and 1013, MCA

Classification appeals

2-18-401 through 2-18-412, MCA

Administration of State Central Payroll System

2-18-102, MCA

General policy development

2-18-604, MCA

Uniform leave administration

49-3-201, MCA

Nondiscrimination in Public Employment

39-29-112, and 39-30-106, MCA

Veteran's and handicapped person's employment preference

2-18-102, MCA

Training programs

**GOALS AND OBJECTIVES:**

Employee Benefits Bureau

Administration of the self-insured health and dental program and life insurance program (1-MT)

- Provide the health and dental insurance for over 30,000 employees, former employees and their dependents
- Insure that the plan remains affordable by monitoring the services of the third party claims administrator
- Adjudicate appeals of claims decisions
- Efficiently administer health screening and health promotion programs in order to assure best use of premium dollars
- Develop techniques and systems for accurate eligibility determination for health, dental and life benefits
- Maintain accurate eligibility records; to collect and reconcile premiums to benefits
- Disperse premiums to carriers and contractors in accordance with policies and agreements
- Research and analyze claims experience data and develop plan design and operation changes to contain costs and or improve benefits
- Communicate insurance options and provisions to employees, former employees and their dependents

Administration of deferred compensation program. (2-MT)

- Encourage employees to defer current compensation to a supplement retirement program by providing the means
- Design and efficiently administer a deferred compensation program in accordance with applicable state and federal tax regulations

Administration of other miscellaneous benefits to insure a stable and productive work force. (3-MT)

- Administer an incentive awards program to encourage employees to develop innovative ideas for improving the quality, efficiency and cost effectiveness of state services
- Design, develop and administer an efficient and uniform incentive awards program
- Administer an efficient and uniform sick leave fund program by which employees may share accumulated sick leave with co-workers

#### Labor and Employee Relations Bureau

Labor Relations Program:

- Provide professional, effective collective bargaining services to state agencies in accordance with 39-31-301, MCA. (1-MT)
- Represent governor and executive branch agencies in collective bargaining with labor organizations representing state employees. Bureau chief (and therefore bureau) is designated through executive order as the representative(s) of the chief executive officer of the state in collective bargaining, as authorized in 39-31-302, MCA. (1-MT)
- Draft pay bill and testify before and lobby legislature to secure passage of a bill reflecting either negotiated settlement or governor's position on pay. (1-MT)
- Represent executive branch agencies in various matters (i.e., unit determination, unit clarification, decertification, unfair labor practice cases) before the board of personnel appeals. Represents some executive branch agencies in arbitration hearings. (2-MT)
- Advise and assist agency managers in contract administration or contract interpretation. (2-MT)

Personnel Services Program:

- Develop administrative rules for personnel in order to comply with state and federal laws, updating the Montana Operations Manual, Volume III and other personnel publications, including the State Employee Handbook. (1-MT)
- Review and approve agency supplemental personnel policies to ensure consistency and compliance with other law and regulation. (2-MT)
- Assist/advise state and local government on implementation of personnel rules and practices. (1-MT)
- Inform state agencies about and to provide technical assistance on the administration of federal laws and regulations and state and federal court decisions, including the Fair Labor Standards Act (FLSA), Americans with Disabilities Act (ADA), equal employment opportunity law (state and federal), and the Family and Medical Leave Act. (1 - MT/US)
- Conduct studies on personnel issues and make recommendations for change, for example, performance appraisal and pay, sick leave use, dependent care issues, implementation of an employee assistance program. (2-MT)
- Operate the Disabled Employment Program, including coordination of implementation of the Americans With Disabilities Act in all state agencies. (1 - MT/US)
- Operate the Equal Employment Opportunity/Affirmative Action program. (EO 24-81)
- Operate the State Employee Combined Campaign by organizing the Employee Steering Committee and contracting with a single charitable organization to coordinate a one-time solicitation of state employees. (3-MT)
- Participate in specific agency personnel actions, such as selection, discipline handling, grievance resolution, investigations of discrimination complaints including sexual harassment, problem identification/solving. Provide guides and training on personnel issues to managers and employees. (3-MT)

#### Classification and Pay Bureau

Administration of Position Classification System:

- Develop and maintain classification methods and develop and maintain standards for each class in the statewide classification plan. (1-MT)
- Conduct post audits of classification decisions made by agencies with delegated classification authority. (1-MT)
- Investigate, review and issue responses to employee classification appeals and present appeal cases to the Board of Personnel Appeals. (2-MT)
- Maintain a file on each classified position and process documents into the PPP system to record classification information on classes and positions. (2-MT)
- Review and authorize the classification of each position and the reclassification of positions based on requests submitted by state agencies. (3-MT)

Administration of State Pay Plan:

- Write and publish pay plan rules in accordance with 2-18-301 (7), MCA. (1-MT)
- Administer pay exception program as authorized by 2-18-303 (7) and (8), MCA. (2-MT)
- Conduct biennial salary survey and report findings to legislature as required by 2-18-301 (2), MCA. (2-MT)
- Maintain various salary schedules used in state employee compensation, as required by 2-18-302, MCA. (1-MT)
- Publish pay exception, turnover and vacancy report. (3-MT)
- Respond to wage appeals involving alleged violation or misapplication of pay plan rules, as required by law and administrative rule. Represent personnel division in hearings before the board of personnel appeals. (2-MT)

Administration of State Payroll System:

- The State Payroll section is responsible for preparing the state payroll for state agencies on a biweekly basis (excluding the six units of the university system). (1-MT)
- Prepayroll: time reporting, adds, changes, deletes to employee payroll record.
- System edit and update; calculation of employee pay.

- Issue payroll advice/warrants and reports to agencies.
- Report payroll expenditures to SBAS.
- Prepare and issue tax and deduction payments.
- PPP software operation, maintenance, enhancement and security.
- Biweekly, monthly, quarterly and yearly reconciliation, balancing and reporting, issue W-2s.
- The State Payroll Section is responsible for maintaining the data base for the Payroll/Personnel/Position Control (PPP) system. (2-MT)
- Input and edit adds, changes and deletes to position and personnel records.
- Issue reports to agencies.
- Provide technical assistance to agencies in accessing and using the system.
- Coordination with the OBPP.

#### Training (Professional Development Center)

- Provide effective training, facilitation, coordination, and related services to state agencies and employees in helping them improve their services to the citizens of Montana. (1-MT)
- Deliver an interrelated series of Management Development Programs to build the skills and knowledge of managers in state agencies. (1-MT)
- Deliver relevant seminars open to all employees for the development of job-related skills and knowledge. (1-MT)
- Deliver training courses by agreement with individual agencies to enhance the job-related skills and knowledge of their employees. (1-MT)
- Promote participation in training programs through announcements, flyers, newsletters, press releases, etc. (1-MT)
- Deliver training seminars to enhance state employees' personal growth and effectiveness. (2-MT)
- Develop new training courses in response to identified needs of state managers and employees. (2-MT)
- Provide facilitation services (meetings, planning, conflict resolution, mediation) by agreement with state and local government agencies. (3-MT)
- Provide coordinating services by agreement with state agencies for conferences and meetings. (3-MT)

#### Systems Development Unit

- Develop and maintain information systems for support of the state benefit programs including online enrollment and eligibility systems for use by agency payroll staff. (1-MT)
- Support personnel functions of the automated payroll/position control/personnel (PPP) system. Compile statistical workforce profiles and create management information on pay projections, health benefits administration, equal employment opportunity, leave administration. (2-MT)

### **RISK MANAGEMENT AUTHORIZATION:**

2-9-101 et seq., MCA

Liability exposure and insurance coverage

### **GOALS AND OBJECTIVES:**

#### Claims and Legal Services

- Provide cost effective, quality legal defense to state defendants through the use of either staff counsel, agency legal services counsel, or contract counsel in ALL claims and legal cases. (1-MT)
- Provide cost effective, quality legal defense to state defendants through the use of either staff counsel, agency legal services counsel, or contract counsel in approximately 60% of claims and legal cases. (2-MT)
- Provide cost effective, quality legal defense to state defendants through the use of either staff counsel, agency legal services counsel, or contract counsel in approximately 50% of claims and legal cases. (3-MT)

#### Risk Management Services

- Provide cost-effective and comprehensive insurance and risk management services to state agencies. Full insurance and risk management services will be provided for all state buildings and contents, airport & aircraft, boiler & machinery, and various other risks. (1-MT)
- Provide insurance and risk management services to state agencies for 60% of the state's buildings and contents, airport & aircraft, boilers & machinery, and various other risks. (2-MT)
- Provide insurance and risk management services to state agencies for 50% of the state's buildings and contents, airport & aircraft, boilers & machinery, and various other risks. (3-MT)

Note: The State of Montana has over \$1.8 billion in property and physical assets which are presently insured by the Risk Management and Tort Defense Division.

### **STATE TAX APPEAL BOARD AUTHORIZATIONS:**

Article VIII, Section 7, of the Montana Constitution  
15-2-101, MCA

Tax appeals  
Appointments, terms of office

## GOALS AND OBJECTIVES:

- To hear and make decisions on tax appeals filed with this board, and with the 56 county tax appeal boards, as conscientiously and as expeditiously as possible.
- To provide an avenue of recourse for taxpayers, and for the Department of Revenue, dissatisfied with the decision of the county tax appeal board, or the decision of the Department of Revenue, in matters involving income taxes (Section 15-30-147, MCA), corporate taxes (Section 15-31-532, MCA), and severance taxes, centrally assessed property, and new industry (Section 15-2-302, MCA). (1-MT).
- There are no Priority 2 or 3 objectives for this program. The sole objective of the State Tax Appeal Board is to conscientiously and expeditiously provide an avenue for appeal of county tax appeal board or Department of Revenue decisions.

## COUNTY TAX APPEAL BOARDS AUTHORIZATIONS:

Article VIII, Section 7, of the Montana Constitution  
15-15-101(1), MCA

Tax appeals  
County tax appeal board - meetings and compensation

## GOALS AND OBJECTIVES:

- To provide an avenue of recourse for taxpayers dissatisfied with the Department of Revenue's assessment of their real or personal property (Section 15-15-101 (3), MCA) (1-MT).
- There are no Priority 2 or 3 objectives for this program. The sole objective of the county tax appeal boards is to conscientiously and expeditiously provide an avenue of appeal of Department of Revenue property assessments.

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## Appellate Defender Commission

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## APPELLATE DEFENDER STATUTORY AUTHORIZATIONS:

2-15-1020, MCA

The Appellate Defender Commission was established in 1991. By statute, the commission must be comprised of five members, appointed by the governor, as follows: one district judge nominated by the district judges; three attorneys, at least two of whom are experienced in the defense of felonies; and one member of the general public who is neither an attorney nor a judge.

61-3-509, MCA

County treasurers deduct as a district court fee 7% of the amount of the 25 taxes collected on an automobile or truck having a rated capacity of one ton or less. This amount is credited to the general fund to be used for purposes of state funding for district court expenses as provided in 3-5-901, MCA

3-5-901, MCA

To the extent that revenue is available under 61-3-509, MCA, the state shall fund district court expenses in criminal cases and in postconviction proceedings. If the revenue received under 61-3-509 exceeds the amount appropriated by the legislature to fund the expenses of the Appellate Defender Program, the excess amount is statutorily appropriated to the Supreme Court to fund district court expenses.

46-8-211, MCA

The Appellate Defender Office was established in 1991. The appellate defender serves at the pleasure of the Appellate Defender Commission and supervises the work of supporting staff authorized by the Commission.

46-8-212, MCA

Defines the qualifications of the appellate defender and any deputy or assistant appellate defender and describes the duties of the appellate defender.

46-8-213, MCA

Provides for classification, salary and expenses of the appellate defender and staff.

## GOALS AND OBJECTIVES:

### Appellate Defender Commission

- To establish duties, qualifications and priorities for the appellate defender, and to oversee the operations of that office. (1-MT)
- To develop a system of indigent appellate defense services. (1-MT)
- To propose to the Supreme Court minimum standards to which all trial and appellate public defenders, including locally appointed private counsel, shall conform. (2-MT)
- To compile and keep current a statewide roster of attorneys eligible for appointment by an appropriate court as trial and appellate defense counsel for indigent defendants. (3-MT)

#### Appellate Defender

- On appointment by a district court or by the Supreme Court, provide effective legal representation for indigent defendants who wish to appeal a conviction or sentence to the state Supreme Court when it is determined that previously appointed counsel may not continue to represent the defendant in the appeal process. (1-US, MT)
- On appointment by a district court or by the Supreme Court, provide effective legal representation for indigent defendants who wish to challenge a conviction or sentence in either the district court or the state Supreme Court, by means of a post-conviction proceeding other than an appeal. (1-MT)
- Upon request, to assist appointed counsel in appeals to the state Supreme Court, and, on appointment, to provide effective legal representation as co-counsel for indigent defendants who wish to appeal a conviction or sentence to the state Supreme Court. (2-US, MT)
- To aid the Appellate Defender Commission in compiling and keeping current a statewide roster of attorneys eligible for appointment by an appropriate court as trial and appellate counsel for indigent defendants. (3-MT)
- To keep a record of services and expenses for the Appellate Defender Commission. (3-MT)
- To perform duties otherwise established by the Appellate Defender Commission. (3-MT)

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## State Compensation Insurance Fund

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### STATE FUND AUTHORIZATION:

39-71-2311 through 2356, MCA

### GOALS AND OBJECTIVES:

All issues and goals are explained in detail, with action plans, measurements, and current performance, in the State Fund's Strategic Business Plan. The Strategic Business plan was approved by the State Fund Board of Directors at the June, 1996, board meeting.

#### Issue: Quality Customer Service

Long Term Goals (completed within 3 - 5 years):

1. Achieve and maintain 85 percent overall customer service satisfaction.
2. Achieve and maintain a National Council on Compensation Insurance premium rate ranking of 20 or better.

Interim Goals (completed within 2 - 3 years) and Short Term Goals (completed within 1 year):

##### Account Services

Organize underwriting and customer service responsibilities to promote efficient, quality customer service. Create a fully functional underwriting department and provide personal on-site visits to new and large policyholders (completed by 6/30/98)

- Organize underwriting functions and responsibilities to deliver responsive, basic underwriting services (6/30/97)
- Improve target account retention and improve new business writings (6/30/97)
- Improve account profitability/equity through effective, customer service oriented premium audit procedures (6/30/97)
- Assist selected accounts with effective loss control services (6/30/97)

##### Customer Relations and Communications

Provide prompt telephone response to customer inquiries with efficient courteous service. Develop communication channels with policyholders and claimants that provide responsive, effective flow of information. Develop customer oriented forms and written material (completed by 6/30/98)

- Provide customers with prompt, accurate information (6/30/97).
- Continue to provide effective and ongoing policyholder and claimant communications and activities (4/30/97).
- Develop publications procedures manual and complete an inventory of all publications (4/30/97).

##### Claim Management

Effectively manage and promptly investigate lost time claims with a focus on early return to work. Immediately contact claimants and policyholders following claim assignment and reduce indemnity claim reporting time and maximize the performance of Managed Care Organizations (MCOs) and Preferred Provider Organizations (PPOs). Streamline first report of injury process (completed by 6/30/98).

- Promptly pay medical bills (90 percent paid in 30 days by 6/30/97)
- Reduce average temporary total wage loss days and maximize use of MCOs and PPOs (6/30/97)
- Achieve 24-hour contact with claimant and policyholder on lost time and serious medical only claims, after assignment to adjuster (6/30/97).
- Promptly pay compensation (process first compensation payment within 14 days, 6/30/97)
- Continue to encourage and educate employees on importance of prompt indemnity claim reporting (6/30/97)

## Fraud Program

Improve and maintain effective fraud prevention and detection program (6/30/98).

- Increase information sources for referral development (6/30/97).
- Develop misdemeanor or deferred prosecution convictions for smaller cases (6/30/97).
- Continue review of suspected claim fraud (6/30/97).
- Target premium fraud and specific employer groups (6/30/97).
- Continue development of provider fraud referrals (6/30/97).
- Enhance criminal and civil fraud coordination (6/30/97).

## Issue: Resource Management

Long Term Goals (completed within 3 - 5 years):

1. Achieve and maintain a 40 percent surplus/premium ratio.
2. Achieve and maintain 85 percent overall employee satisfaction.

Interim Goals (completed within 2 - 3 years) and Short Term Goals (completed within 1 year):

### Human Resources

Identify issues and create, monitor and modify actions to achieve optimal overall employee satisfaction (6/30/98).

- Identify and implement actions to improve employee satisfaction (6/30/97).

Implement, monitor, test and modify human resource programs which include compensation, performance management, recruitment and selection, information management systems and training (6/30/98).

- Complete implementation of fiscal 1997 compensation program and develop fiscal 1998 compensation plan (6/30/97).
- Develop and implement enhanced recruitment and selection program (6/30/97).
- Evaluate and revise employee exit processing program (3/31/97).
- Evaluate and enhance training program (6/30/97).
- Provide general human relations training (6/30/97).
- Evaluate and revise Performance Planning and Review Program (PPRP) (6/30/97).
- Develop an internal Human Resources Program Guide and Operations Manual (3/31/97).
- Develop a fully operational Human Resource information System (HRIS) (6/30/97).
- Provide underwriting and loss control training programs (6/30/97).

### Technology

Strengthen Management Information Services (MIS) management resources and improve MIS systems, project planning, programming processes, and knowledge of key technology issues. Establish disaster recovery plans to ensure continued operation in a disaster situation. Install a fully functional, automated accounting system and develop the ability of policyholders that use commercial payroll services to use automated payroll reporting. Install operations systems, that improve efficiency, effectiveness and resources (completed by 6/30/99).

- Ensure systems availability and reliability through strengthened management of resources (6/30/97).
- Improve MIS project planning and programming processes (6/30/97).
- Create "White Paper" on key technology issues to set the direction for future technological development (6/30/97).
- Evaluate implementation of Benefits Information System (BIS) (6/30/97).
- Continue development of Automated Medical Processing System (AMPS) and Policy Services, Audit, Accounting, Loss Control System (PAALS) (6/30/97).
- Implement electronic data interchange systems to improve the processing time of provider payments and payroll reporting (on or before AMPS comes on line 6/30/97).
- Automate accounting procedures to streamline work flows and improve management reports to present more timely and informative financial reports (1/31/97).
- Review communication needs and determine cost alternatives that will improve customer communications (2/28/97).

### Finance

Realize cost savings through increased subrogation recoveries, evaluations of internal controls, and internal audit recommendations. Identify and manage allocated loss adjustment costs. Inform voters regarding the passage of investment in equity securities ballot initiative. Realize cost savings through successful fraud investigation and prosecution (completed 6/30/99).

- Increase financial recoveries (6/30/97).
- Perform adequate operational and compliance auditing procedures to ensure internal controls are in place and operating effectively in multiple department exposure areas (6/30/97).
- Perform adequate financial compliance auditing procedures to ensure internal controls are in place and operating effectively over multiple department functions. Test transactions to ensure appropriate payments were made and maximum financial recoveries were achieved (6/30/97).
- Establish plan to track and assess value of allocated claim adjustment expenses to provide greater control over future cost and create appropriate management reports (6/30/97).
- Develop program to inform the public of November 1996, general ballot initiative that allows a portion of State Fund assets to be invested in equity securities. Currently, 100 percent of assets are invested in fixed income securities (government and



corporate bonds) subject to market fluctuations. This would allow diversification of invested assets and improve long term rate of return on investments (1/31/97).

#### Business Environment

Transition into a more entrepreneurial organization (6/30/98).

- Draft legislation to address business flexibility in State Fund operations (6/30/97).

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## Public Employees' Retirement Division

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### PUBLIC EMPLOYEES RETIREMENT AUTHORIZATIONS:

Title 19, chapters 2, 3, 5, 6, 7, 8, 9, 12, 13, and 15, MCA.

Internal Revenue Code, Section 401(a) and Section 415

ADEA, Section 4

Title 19, Chapter 1, MCA

42 USC Section 418

The Public Employees' Retirement Board is provided broad fiduciary duties and is given administrative authority over eight statutorily distinct retirement systems

Governmental retirement plans must meet the provisions in order to remain exempt from federal tax on contributions and on benefits as they accrue.

The retirement plans must also comply with the age discrimination prohibitions

The Division is given responsibility for the Federal/State Social Security Coverage Agreement and must comply with federal law

### GOALS AND OBJECTIVES:

- Maintain accurate and up-to-date information on the 30,000 contributing members. (1-MT)
  - Provide clear instructions and procedures to the 500+ employers reporting monthly payroll information. Improve information provided to employers by publishing and maintaining an employer handbook and periodic updates. Establish procedures whereby employers can electronically transmit payroll information to PERD.
  - Continue effort to periodically review all member service records to identify errors and insure accurate information for benefit calculations and actuarial valuations
  - Prepare accurate and informative Statements of Account for distribution to all active members by August 1.
  - Improve the audit of monthly payroll reports through automated edits of member data.
- Provide for the accurate and timely payment of monthly benefits to over 13,000 retired members and their beneficiaries and refunds of member contributions and interest. (1-MT)
  - Conduct audits and verification of a sample of calculations for cost-of-living adjustments, minimum benefit payments and other adjustments after retirement.
  - Review procedures and forms used to estimate and calculate monthly benefits for each retirement system.
  - Cross check benefit recipients against decedent listings from Montana Department of Health, Social Security or private vendors to assure benefits are not being paid to deceased individuals on an annual basis
- Provide accurate and timely retirement information to 35,000 active members and 13,000 retirees of the eight retirement systems and to employers, the administration, and legislators (2-MT)
  - Complete estimates of monthly retirement benefits upon request (up to 2400 per year)
  - Complete clear statements of benefit changes and eligibility requirements through memorandum, newsletters, informational handbooks or other mailings
  - Provide prompt, courteous information and assistance to members or retirees contacting the Division in person, by phone or mail.
  - Conduct 4 to 8 pre-retirement seminars throughout the state for persons within 5 years of retirement. Provide division staff training in personal financial planning with a long-term plan of developing retirement planning seminars for a broader group of public employees.
  - Provide payment information to payees whose benefits are electronically deposited
- Provide staff support to the Public Employees' Retirement Board providing complete, timely and accurate information so board members can make informed decisions (2-MT)
  - Provide ample and appropriate legal support services to the Board through the Department of Administration or Agency Legal Services so that board members receive accurate and timely legal interpretation and representation
  - Monitor and evaluate legislative proposals affecting their retirement systems to ensure bills are technically correct and adequately funded. Develop and introduce legislative proposals necessary to maintain equitable benefit levels for retired members in an actuarially funded manner
- Maintain accurate financial records of the retirement system funds and prepare required accounting reports and records (2-MT)

- Calculate supplemental payments and benefits; determine appropriate funding levels; and request the transfer of funds into appropriate systems by statutory timelines.
- Prepare the Annual Report on the operation and financial status of the eight retirement systems by December 31.
- Prepare annual actuarial valuation and actuarial reports on the seven actuarially funded retirement systems by October 1 utilizing the results of actuarial experience studies conducted on the systems during 1994.
- Complete tax withholding reports to the Internal Revenue Service and the State Department of Revenue by required deadlines.
- Evaluate, review and approve disability retirement benefits for members who are permanently and totally disabled. (3-MT)
  - Enact legislation required to update disability determination procedures to ensure compliance with the Americans with Disabilities Act.
  - Improve the Division's resources for evaluating and reviewing disabilities so that the best possible information and recommendations can be provided to the Board.
  - Increase the use of physician examinations and reviews to provide more careful screening of disability claims.
  - Continue to review and address the Division's contested case process to ensure appellants receive a fair hearing, that clear and adequate records are maintained, and that contested cases are resolved as quickly as possible.
- Maintain and improve administrative procedures to ensure prompt and accurate resolution of eligibility questions; legislative changes or contested cases. (3-MT)
  - Review and revise all forms used in collection of information, determination of benefits or communication of requirements to members to insure forms are clear, accurate and in compliance with state and federal laws and regulations.
  - Review and revise Administrative Rules to reflect changing state and federal statutory requirements, to improve readability, to provide more detailed direction to members and retirees, and to ensure uniform application.
  - Continue to develop new and monitor existing internal operating procedures covering the processing of claims, reviews, and estimates and their presentation to the Board.
- Complete audit responsibilities for the years 1984, 1985, and 1986 for administration of Social Security. Continue to work towards a fair and economical resolution of the 1988 assessment from the Social Security Administration. (3-MT)

#### CONSEQUENCES OF ELIMINATION OR REDUCTION OF PRIORITY 3 OBJECTIVES:

- Evaluation and approval of disability retirement benefits: Elimination would place the determination of eligibility for disability retirements on the employee's treating physician. While this could reduce the operating budget of the Division, it would likely cause a greater increase in the amount of benefits paid. The long-term impact on the retirement trust funds could be significant, particularly for those systems with a high incidence of disability such as firefighters or municipal police. Those long term impacts will result in increased employer and/or state contributions to fund the higher benefits.
  - It is also likely that the approval of benefits would be less consistent and more vulnerable to appeal and litigation.
- Maintain and improve administrative procedures: Up-to-date procedures are essential to ensure decisions made by the staff and Board are defensible. Vague or non-existent policy or procedure when determining rights and benefits leads to inconsistent decisions which are difficult to defend in administrative hearings or litigation. The resulting costs to the retirement funds are difficult to estimate, but could be significant over time. Any resulting costs would be required to be paid by increased employer contributions to the systems.
- Social Security Administration: This goal may not be eliminated by the State of Montana due to a contractual obligation between the state and federal governments. Eliminating this goal from PERD's sphere/budget would require that it be taken up by another agency of the state. Such a switch will put resolution of the 1988 assessment from the Social Security Administration in the hands of the federal agency and individual public employers. Amounts assessed by the SSA have been arbitrary and large (\$39 million). The state has a legal duty under Title 19, Chapter 1 and the Federal/State agreement to collect contributions for Social Security. The SSA has the authority to impound federal funding to Montana in the event contributions are not made.

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## Teachers' Retirement Division

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#### TEACHERS' RETIREMENT AUTHORIZATIONS:

Chapter 87, Laws of 1937  
 Title 2, Chapter 44, Administrative Rules of Montana  
 Title 19, Chapter 20, MCA  
 Title 26, Sections 401(a), 410, 414(h)(2),  
 and 415, Internal Revenue Code

Establish the Teachers' Retirement System  
 Teachers' Retirement Board  
 Teachers' Retirement  
 Qualified retirement plans

## GOALS AND OBJECTIVES:

- To maintain an actuarial sound, "qualified" retirement plan as defined by State Statutes, Title 19, Chapter 20 and Internal Revenue Code Sections 401(a), 410, 414(h) and 415. (1 - MT/US)
- To expand, improve and maintain a current and historical data base of active, inactive and retired members for calculation and payment of benefits. (2 - MT/US)
  - To maintain a contribution and service history of all active, inactive and retired members. This includes correspondence and beneficiary information
  - To provide timely and accurate response to requests for information and calculation of projected retirement benefits, actual service credit, cost to purchase additional service, and contribution history.
  - To provide timely and accurate response to requests for retirement. To calculate and pay retirement, survivor, and disability benefits based on service credit and final average compensation. To calculate tax deductions and report taxable earnings to the IRS and State Department of Revenue.
  - To collect timely and accurate contributions from the employer
- To prepare a biannual valuation of the assets and liabilities of the retirement system. Improve communication with members by providing information to explain the benefits of membership in the Teachers' Retirement System and information on individual accounts. (3 - MT/US)
  - To keep in convenient form that data which is necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the retirement system.
  - To provide yearly statements to all members. This includes information on account balance, contribution history, contracts for purchase of service, and service credit history.
  - To provide local presentations to teachers explaining benefits, legislation and tax issues.
  - To provide a biannual informational handbook to all members describing the Teachers' Retirement System, optional forms of retirement, survivor benefits, legislative changes in the benefit system, and State and Federal tax issues.
- Recodification of the Teachers' Retirement Act for consistency and organizational clarity. (3-MT)
  - Review and update Administrative Rules for clarity and conformity to statute

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## Department of Agriculture

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### CENTRAL MANAGEMENT DIVISION AUTHORIZATIONS:

Title 80, MCA, Article XII	Establishes the Department
Section 1, Montana Constitution 2-15-104 & 3001	
2-15-3002-3015, MCA	Establishes Boards & Committees
80-1-102, MCA	Duties of the Department

### GOALS AND OBJECTIVES:

- Provide administrative and operational supervision (1-MT)
  - Develop and administer policy and procedures for department.
  - Initiate management direction to the department consistent with statute and the Governor's directives
- Provide internal control (1-MT)
  - Develop and supervise budgetary, accounting, purchasing, personnel, property control, and system analysis.
  - Provide support services in development, establishment, and maintenance of agency programs.
  - Provide legal support to the department.
- Provide internal management support functions (1-MT)
  - Meet statutory requirements.
  - Effectively and efficiently deliver services to the agricultural industry

Note: The division budget includes the Director's office which consists of the director and administrative support positions

### AGRICULTURAL SCIENCES DIVISION AUTHORIZATION:

Title 80, MCA	Duties of the Department of Agriculture
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### GOALS AND OBJECTIVES:

#### Produce Standards, Storage, and Merchandising Program

- Ensure that quality fruits and vegetables are imported (1-MT)

- Issue 275 condition reports for imported produce upon request of industry.
- Provide inspection services for exported produce. (1-MT, FD)
  - Issue 4,500 grade certificates for 2.2 million cwt seed potatoes.
  - Issue 40 grade certificates for 1,000,000 lbs. cherries.
- Protect producers from financial loss resulting from misgrading or nonpayment of produce. (2-MT)
  - License 55 produce dealers.
- Provide more efficient shipping point produce inspection services. (1-MT)

#### Public Warehouseman/Commodity Dealer Program

- Protect agricultural producers from financial loss resulting from disappearance or nonpayment of commodities. (1-MT)
  - License and bond commodity dealers & public warehousemen.
  - Audits of grain facilities.
  - Conduct investigations.

#### Seed Program

- Ensure that seed sold in the state has complete and truthful labels. (1-MT, FD)
  - Issue 327 seed dealer licenses.
  - Issue and review labels for 81 seed labelers licenses.
  - Analyze 50 samples of agricultural seed.
- Monitor seed conditioning equipment. (2-MT)
  - Issue 140 seed conditioning plant licenses.
  - Review and inspect 5 seed conditioning plants.

#### Apiculture Program

- Control diseases and pests in honeybees, including Africanized Honeybees. (1-MT)
  - Inspect 1,200 hives of non-migratory beekeepers.
  - Develop Africanized Bee Action Plan.
- Prevent the overcrowding of bee pasture. (1-MT)
  - Register 106,000 beehives in 5,000 apiaries.
  - Investigate four causes of unregistered apiary placement.
- Provide inspection services to those beekeepers requiring inspection for interstate movement. (2-MT)
  - Inspect 8,000 hives for interstate movement.
  - Randomly inspect 5,000 hives under Migratory Beekeeper Compliance Agreement.

#### Alfalfa Leafcutting Bee Registration and Certification Program

- Promote and maintain a healthy and viable alfalfa leafcutting bee industry in Montana. (1-MT)
  - Register alfalfa leafcutting bee beekeepers.
  - Collect bee samples for official certification.
  - Analyze leafcutting bee samples.

#### Nurseries: Licensing And Inspection Program

- Control diseases and insects in domestic and imported nursery stock. (1-MT)
  - License 650 Nurseries.
  - Conduct 150 non-export nursery inspections to prevent spread of noxious weeds, insects and diseases.
- Provide inspection services to those nurseries requesting inspection of nursery stock for export. (2-MT, FD)
  - Issue 900 state and 300 federal phytosanitary plant inspection certificates.

#### Quarantines, Pest Survey and Detection Program

- Detect and monitor the presence of pests in the state to determine the need for quarantines and eradication. (1-MT, FD)
  - Enforce and administer seven state quarantines.
  - Monitor 25 traps to detect exotic plant pests.
  - Monitor 450 gypsy moth traps.
  - Review and process 65 applications for live plant pests permits.
  - Inspect 120 nurseries for Black Stem Rust susceptible Barberry plants.
- Control and prevent the spread of contagious diseases in seed potato stock. (1-MT)
  - Inspect and issue 50 grade certificates for seed potatoes being shipped between counties and states producing seed potatoes.

#### Noxious Weed Management Program

- Manage the Montana Noxious Weed Trust Fund and other weed funds and issue grants or contracts to county weed districts, local governments, Indian Reservations, and researchers for development of community cooperative weed management programs and new and innovative noxious weed management projects to improve weed management programs in Montana. (1-MT)
  - Administer and monitor the Montana Noxious Weed Trust Fund and weed vehicle fund.
  - Ensure that 25% of the weed vehicle fee is expended for non-chemical research and demonstration.
  - Process and review annually over 100 plus grant applications and verify to the Noxious Weed Advisory Council and the Director that these grant proposals meet statutory and administrative standards.
  - Prepare Environmental Assessments or Environmental Impact Statements on 70 grant applications.
  - Prepare, manage, and evaluate 90 new weed management grant contracts.

- Evaluate 150 on-going, long-term grant contracts.
- Conduct field evaluations of one-third of all active grants or contracts
- Review 300 narrative and financial reports submitted for each contract annually.
- Provide technical expertise and general assistance on noxious weeds and noxious weed management techniques to public and private land managers and the general public (70/yr) (2-MT)
- Issue emergency grants to weed control districts to eradicate or contain newly introduced noxious weed into the state or county. (3-MT)

#### Vertebrate Pest Management Program

- Conduct vertebrate pest management research and evaluation projects (2 per year) and support development of registration data on rodenticides required by EPA. (1-MT)
  - Provide technical assistance or in-kind personnel services to ensure projects are completed.
  - Provide field data and/or information on various vertebrate species to assist rodenticide consortiums in meeting EPA registration requirements.

#### Pesticide And Pest Management Program

- Ensure efficient and effective management of the department's programs (Pesticide and Pest Management, Laboratory Services, Ground Water Management, Weed Management and Vertebrate Pest Management) assigned to the Division by coordinating all program goals, objectives and performance standards. (1-MT/US)
  - Monitor, evaluate and resolve issues concerning goals, objectives and performance indicators for these programs.
- Ensure compliance with Montana Pesticides Act and rules by: inspecting (690/yr) pesticide applicators and dealers; investigating complaints of pesticide misuse, incidents and providing remedial assistance (87/yr); collecting pesticide residue and formulation samples (190/yr) and issuing appropriate compliance actions (60/yr).
  - Maintain the cooperative pesticide agreement with the U.S. Environmental Protection Agency on pesticide compliance, certification and training and new EPA pesticide program initiatives
  - Register annually federally registered pesticide products (4,900/yr) for use in Montana and register products for special local needs (11/yr) and emergency pest problems (4/yr).
- Investigate and provide technical and remedial assistance and compliance standards at sites of major pesticide incidents and spills (5 to 10/yr) to reduce impacts on agriculture, the environment and humans. (1-MT/US)
- Ensure pesticides are sold and used by trained, qualified licensed/certified persons by providing training, educational manuals and materials, and examinations. (1-MT/US)
  - Annually license all qualified commercial and government applicators (1,410/yr) and operators (1,000/yr) and dealers (450/yr).
  - Annually permit all qualified farm applicators (average 1,700/yr).
  - Revise and update training manuals (2/yr) as technology and/or changes in laws and regulation warrant and provide training manuals for all categories of pesticide applicators and dealers in Montana.
  - Provide 16 hours of pesticide training and educational materials for initial licensing and certification (80 people/yr).
  - Provide 6 hours of recertification training (2 times per year) for commercial and government applicators (720 to 910 people/yr) in Montana.
  - Assist county extension agents in providing training courses for farm applicators (25-35/yr) (number of courses varies with the size of the agricultural district involved).
- Continue development and implementation of new EPA pesticide program initiatives on worker protection, endangered species and disposal of pesticides and pesticide containers. (1-MT/US)
  - Determine the segments of the regulated community that will be affected by EPA's endangered species and container disposal regulations and begin education and implementation of the programs when the final regulations are published in the Federal Register.
- Conduct a state waste pesticide disposal and pesticide container recycling program
  - Collect and properly dispose of wastes pesticides to reduce the threat to public health and the environment posed by improper management of unused or unusable pesticide products
  - Collect and recycle empty metal pesticide containers
  - Educate pesticide applicators on proper storage and disposal options for pesticides and pesticide containers.
  - Incinerate pesticides generated through the program to reduce future pollution problems.
  - Develop and implement rules as needed
- Implement EPA's worker protection rules, conducting training (10-25/yr) for impacted parties, conduct outreach to insure compliance with these rules and prepare and conduct an inspection program to be fully implemented in FY96.
- Conduct surveys, provide training, field demonstrations and technical assistance to farmers, ranchers and the general public on insects, weeds and rodents, control methods, procedures and alternative controls (2,000/yr). (2-MT)
- Prepare environmental assessments or Impact Statements when required to comply with Montana Environmental Policy Act and administrative rules (3-MT)
- Implement a school integrated pest management (IPM) program to promote the use of pest control methods in Montana schools which will have minimal effects on human health, the environment, and non-target organisms
  - Develop school IPM training manuals, exams, and a long-term recertification plan for the school pest applicator category under the Montana Pesticides Act

- Train and educate Montana school district and county superintendent employees on good school IPM methods by licensing and certifying 200 School Pest Pesticide Applicators.
- Enter into an agreement with USDA to educate and assist private pesticide applicators about recordkeeping requirements and to determine levels of compliance.
- Develop policy for reviewing proposed local government pesticide regulations and assesses requests from local government for rules to address local conditions.
- Develop cooperative agreements with Montana Indian Tribes.

#### Laboratory Service Program

- Provide reliable, dependable, economical and timely analytical data for the Department's feed, fertilizer and pesticide programs and for the Montana State University Agriculture Experiment Station. (1-MT/US)
- Maintain the cooperative Department and Montana State University Agriculture Experiment Station Analytical Laboratory Agreement to reduce operating costs by cross utilizing the facility, personnel, equipment and operations.

NOTE: Researchers of the Montana University System, farmers, ranchers and state and federal agencies and the public are provided analytical services on a fee basis by the MSU laboratory.

- Maintain a comprehensive Laboratory Computer Information Management System and the Laboratory Quality Control Project Plan and Standard Operating Procedures.
- Implement comprehensive laboratory safety programs to meet new federal and state "Osha" standards.
- Conduct pesticide formulation and residue sample analysis (1,000/yr) for the pesticide compliance and technical services units as described in the Pesticide and Pest Management Program goals and objections.
- Develop and use new analytical methods and techniques for new general pesticides in soil, vegetation and other environmental samples and for new EPA programs: worker protection; endangered species; disposal and storage of pesticides, and disposal of pesticide containers.
- Maintain and improve analytical capabilities for the analyses of nutrients, drugs, antibiotics, vitamins, other additives and for natural and man-made toxins in commercial feeds (1,960/yr).
- Maintain and improve analytical capabilities for the analysis of nutrients and toxic compounds in commercial fertilizers (815/yr).
- Conduct analyses for pesticide residue and natural toxins in food and raw agricultural products (as needed).
- Provide consultation to the public, farmers, ranchers, researchers, and agriculture business on nutritional and toxic substances in foods, fertilizers, soils, water and related commodities and environmental medial materials (300/yr).
- Develop analytical methods to reduce the generation of laboratory hazardous waste materials.

#### Commercial Feed Program

- Ensure that all commercial feed products sold in Montana are accurately represented by their labels. (1-MT)
  - License 516 feed dealers.
  - Register 5,200 feed products.
  - Analyze 240 feed samples (1,200 analyses) for compliance with guaranteed analysis.
- Ensure that all commercial feed products sold or manufactured in Montana are free from contaminants. (2-MT)
  - Analyze 20 random samples for contaminants, such as heavy metals, pesticides, aflotoxins, and excess minerals.
  - Cooperate with feed industry to develop feed pellets that are free of weed seed.
  - Collect 80 feed pellet samples for germination testing.

#### Medicated Feed Program

- Monitor the use of animal drugs used in commercial feeds, and prevent drug residues in animal products marketed for human consumption. (1-FD)
  - Maintain the cooperative agreement with the FDA to inspect 10 feed manufacturers to insure compliance with FDA and state medicated feed manufacturing rules.
  - Sample 10 feeds for drugs and antibiotics (25 analysis).

#### Commercial Fertilizer Program

- Ensure that fertilizer products sold in Montana are accurately represented by their labels. (1-MT)
  - License 230 fertilizer dealers.
  - Register and review labels for 1,3000 fertilizer products.
- Ensure that fertilizer products sold in Montana are effective and of good quality. (1-MT)
  - Analyze 150 fertilizer products (375 analyses) for conformance with label guarantees.
  - Review scientific efficacy research data for three fertilizer products which have made unusual efficacy claims.

#### Anhydrous Ammonia Program

- Inspect commercial anhydrous ammonia facilities for safety of equipment and operational procedures. (1-MT)
  - Inspect 50 anhydrous ammonia facilities.
- Disseminate information or conduct classes on the safe handling of anhydrous ammonia. (2-MT)
- Review and approve new sites for anhydrous ammonia facilities. (1-MT)
  - Review all applications and environmental assessments for new or relocated anhydrous ammonia sites.
- Investigate mishandling or accidents involving anhydrous ammonia. (1-MT)
  - Investigate reported anhydrous ammonia accidents.

### Ground Water Management

- Protect ground water and the environment from impairment or degradation due to the use or misuse of agricultural chemicals (pesticides and fertilizers). (1-MT/US)
  - Conduct statewide general and site specific monitoring of ground water and other environmental media for agricultural chemicals (multiple sites-280 field samples/yr).
  - Continue to monitor the permanent state agricultural chemical ground water wells (8 sites samples 2 to 4 time/yr).
  - Ensure compliance by conducting comprehensive inspections of agricultural chemical users, dealers and manufacturers (10 to 20/yr), collecting ground water and soil samples (65/yr) and investigating and monitoring incidents and spills (5/yr) that could cause impairment.
  - Implement compliance actions and orders to preventing or remediating agricultural chemical ground water problems (5-10/YR).
  - Conduct analyses for agriculture chemicals (pesticide and fertilizers) in ground water, soil and other environmental media samples (1,223/yr).
  - Develop and use new analytical methods and techniques for the analyses of fertilizer compounds and for new generation pesticides in soil and ground water samples.
  - Maintain the cooperative department and MSU Agricultural Experiment Station Laboratory Agreement to minimize costs by cross utilizing facilities, personnel, equipment and operations.
  - Maintain the Laboratory Quality Control Project Plan and Standard Operating Procedures, and the comprehensive Laboratory Computerized Information Management System.
  - Implement a laboratory safety program to meet new federal and state "OSHA" laboratory regulations and standards.
  - Develop analytical methods to reduce the generation of laboratory hazardous waste materials.
  - Coordinate agricultural chemical/ground water research and evaluation activities with government agencies, university and the public.
  - Provide consultation to university researchers, state agencies, farmers, ranchers, and agri-business on health and environmental effects, chemical and physical properties, toxicological effects of agriculture chemicals found in ground water (450/yr).
- Provide for the proper management of agricultural chemicals and by establishing specific management plans to prevent, minimize and mitigate their presence in ground water. (1-MT/US)
  - Implement specific pesticide management plans (1 to 10 in the biennium) according to the standards established in the Acts.
  - Develop Standard Operation Procedures (SOP) for sampling and monitoring.

NOTE: Preparation of specific management plans is determined by specific standards in the Act. If numerous SMP's are required the department will prioritize development based upon the greatest risk to ground water and the public.

- Monitor, inspect or investigate 1 to 5 specific management plan sites per year
- Implement compliance actions needed to ensure compliance with specific management plans (as needed).
- Provide for education and training of agricultural applicators and the general public on ground water protection, agricultural chemical use, and the use of alternative agricultural methods. (1-MT/US)
  - Conduct local educational programs on agricultural chemicals and ground water for chemical users and the public
  - Conduct specific chemical applicator and dealer training in areas subject to a specific management plan (as needed).
  - Hold 1 major training course on agricultural chemicals and ground water.
- Prepare environmental assessments or impact statements when required to comply with Montana Environmental Policy Act and administrative rules. (2-MT)

### EPA Special Program

- Implement various new EPA pesticide programs. (1-MT/US)
  - Complete plans and implement pesticide enforcement activities for ground water, disposal, mixing/loading sites and storage facilities by incorporating these new programs into the existing pesticide and agricultural chemical ground water programs.
  - Implement the new EPA pesticide certification standards into the existing program in compliance with the state EPA Cooperative Agreement.

### Mint Program

- Protect the mint industry from introduction and spread of diseases detrimental to the mint crop (1-MT)
  - Adopt amended Mint Wilt Quarantine.
- Improve the culture and production of mint grown in Montana (1-MT)
  - Conduct research to improve plant genetics and culturing practices via research contracts with Montana Experiment Station and the Mint Industry Research Council
- Promote efficient marketing of mint oil (1-MT)
  - License five mint oil purchasers

## **AGRICULTURAL DEVELOPMENT AUTHORIZATION:**

Title 80, MCA

Duties of the Department of Agriculture

## GOALS AND OBJECTIVES:

### Agricultural Finance

Maximize the benefits associated with the use of funds available to assist in the improvement of substandard income rural families in Montana by making direct lower interest rate loans for agricultural purposes and providing grants for rural community development and education. (1-MT)

- Maintain/increase the investment of available funds into the Rural Assistance Loan Program and the Subordination Loan Program
- Provide assistance to help increase the quality of rural community development efforts.
- Keep poor loan performance at a minimum and loan write off at less than 1/2 of one percent.
- Provide the best possible leadership training and current issue exposure available to the 40 agri-business couples attending the annual Young Ag Couples Conference.

### Hail Insurance Program

Insure/protect Montana's growing crops in order to improve the overall economic strength of the agricultural industry and the state of Montana. (1-MT)

- Provide hail insurance to agricultural producers at an affordable rate.
- Reduce the risk of growing crops in Montana.
- Improve the financial capacity of the agricultural industry.
- Provide coverage at rates as established within statute.

### Agricultural Marketing & Administration

- Improve domestic markets for Montana's agricultural raw products and value-added products. (1-MT)
  - Increase dollar and volume sales of agricultural products.
- Develop international markets for Montana's agricultural raw products and value-added products. (1-MT)
  - Increase dollar and volume sales of agricultural commodities.
  - Develop sales of Christmas trees to Taiwan, Japan, and Hong Kong.
  - Increase sale of cattle and sheep to Mexico.
  - Increase dollar and volume sales of Montana products as opportunities arise.
- Provide trade/export assistance to Montana businesses entering international markets. (2-MT)
  - Increase dollar and volume of international sales.
- Assist Montana companies with raw and value-added product development. (2-MT)
  - Increase the number and dollar amount of value-added products sold in Montana, nationally and internationally.
  - Increase the size and number of Montana value-added producers.
- Through market research identify niche markets, potential alternative crops/products, and improved production /distribution techniques. (2-MT)
  - Increase the dollar and volume sales of existing Montana products.
  - Increase the number and sales of alternative crops/products available from Montana.
  - Lower production and distribution costs for Montana producers.
- Recruit additional agricultural businesses to Montana. (3-MT)
  - Increase the number and diversity of Montana Agricultural businesses.

### Agricultural Statistics Program

- Provide high quality accurate, timely, and unbiased agricultural statistics. (1-MT/US)
  - Maintain the state-federal cooperative agreement to provide agricultural producers with information necessary to make informed and profitable decisions.
  - Collect, compile and publish a comprehensive set of agricultural statistics to serve the marketing needs of producers.
  - Promote Montana agricultural products and attract and develop agriculturally related industry.
  - Publish survey summaries and annual Montana Agricultural Statistics Bulletin.
  - Issue weekly crop weather bulletins and bi-monthly newsletter to keep agricultural producers and the public informed about current survey results, precipitation data, economic conditions, and crucial issues.
  - Provide bi-weekly radio summaries and television reports on agricultural statistics.
- Compile county level statistics for Montana on all major crops and livestock. (1-MT/US)
  - Provide statistics such as county production, prices, yields, etc. necessary to compute ASCS and other program/disaster program losses.
  - Provide data necessary to show impact of extraneous programs on agriculture.
  - Provide statistics to identify major crop and livestock production areas to determine transportation, storage and other service requirements and economic impact.
  - Provide statistics necessary to identify target areas for economic development.
- Maintain a master list of over 20 thousand Montana farm and ranch operators and use state of the art sampling techniques and collection methodology. (1-MT/US)
  - Provide sufficient sample capability to ensure accuracy.
- Support special requests for data/statistics for the state of Montana, Montana Wheat and Barley Committee, Montana Wool Growers, universities and others for production, marketing, disaster damage, predators, farm finances, and other crucial issues. (2-MT/US)



- Provide necessary information for state lands grazing fee assessment, State Department of Revenue prices received information, Milk Control Board price and expense information, DNRC moisture data and etc.

#### Agriculture Development Council

- Provide seed capitol for the commercialization and marketing of new and innovative agricultural products or processes. (1-MT)
  - Increase the number and diversity of Montana's agricultural enterprises.
  - Increase agricultural-related income (new wealth)
  - Create additional jobs.
- Enhance research capabilities and improve market development efforts through the "Growth Through Agriculture" market development investments/grant program. (1-MT)
  - Develop and transfer new and beneficial techniques, processes and knowledge to the individual producer.
  - Develop new and enhance existing markets for Montana's agricultural raw and value added products.
- Increase foreign trade activity through the prudent use of "Growth Through Agriculture" funds. (2-MT)
  - Increase sales lead generation.
  - Increase the dollar and volume amount of sales to foreign countries through producer export assistance.

#### Alfalfa Seed Committee

- Develop varieties favorable to Montana climatic and soil conditions. (1-MT)
  - Increase producer yield, vitality, and quality of alfalfa seed.
  - Increase planted acreage.
- Develop and improve control measures for diseases and pests which attack alfalfa pollinators. (2-MT)
  - Increase producer yield and quality of alfalfa seed.
- Improve grower knowledge of alfalfa seed production practices and alfalfa seed markets. (2-MT)
  - Increase alfalfa seed yield.
- Increase number of Montana alfalfa seed producers.
- Improve seed consumer understanding of the benefits of alfalfa hay production resulting from Montana alfalfa seed purchase. (2-MT)
  - Increase the value, volume, and dollar sales of Montana alfalfa seed.

#### Montana Wheat & Barley Bureau

- Promote and develop markets for Montana wheat and barley, nationally and internationally. (1-MT)
  - Continue to participate in market development organizations in cooperation with other states on a pro-rata share basis (based on total annual production).
- Encourage and promote scientific research into all phases of wheat and barley production and marketing. (1-MT)
  - Mitigate the cost of wheat and barley production and provide a quality end-use product for Montana's market place by the maintenance of research contracts primarily at Montana State University.
- Provide education and information services to Montana's wheat and barley customers, U.S. urban contacts and providers of the MW & BC assessment. (2-MT)
  - Make readily accessible to a wide range of users fast and reliable information regarding the agronomics, marketing, and end-use properties of Montana wheat and barley.
- Address transportation issues relating to Montana grain movement to domestic and international buyers. (2-MT)
  - In a spirit of cooperation with the transportation industry, share pertinent logistical information, reveal inadequacies, and thereby mitigate transportation costs, thus reflecting both an increased price to producers and a lowered cost to consumers.

#### State Grain Laboratory Bureau

- Provide grain inspection. (1-US, MT)
  - Provide unbiased official grades, state grades, and testing.
  - Develop Montana standards.
  - Provide requested services in a timely and effective manner
- Provide commodity inspection. (2-US, MT)
  - Provide unbiased official grades, state grades, and testing.
  - Develop Montana standards.
  - Provide requested services in a timely and effective manner.
- Provide specialty crop inspection. (3-US, MT)
  - Provide unbiased official grades, state grades, and testing
  - Develop Montana standards.
  - Provide requested services in a timely and effective manner

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# Department of Corrections

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## ADMINISTRATION AND SUPPORT SERVICES AUTHORIZATION:

2-15-2301, MCA

Department of Corrections - head

### GOALS AND OBJECTIVES:

#### Administrative Services Division

- Provide accurate, effective administrative support, and unified policy direction to the director, personnel and programs of the department in the areas of accounting and budgeting;
- Provide accurate information, contracting support, oversight, evaluation and contractor performance/compliance audits, responding in a timely manner to requests by department programs and contractors;
- Provide proactive leadership, review, consultation, guidance, interpretation and training to department staff in the development and management of personnel, labor and human relations functions to maximize the potential of each employee while creating an atmosphere of trust and a common sense of direction;
- Provide accurate, timely and relevant population projections, program research, monitoring, measurement and evaluation information to department managers, program staff and the public;
- Provide timely design, construction, maintenance and operation of adult and juvenile statewide correctional facilities which are owned and managed by the department. Plan, negotiate and coordinate contracts with local governments and other non-state entities for the design, construction and operation of statewide regional correctional facilities; and
- Provide information systems support, network and data communications design and management, operation and management of the department's mid-range computers, information systems project planning, consulting and management, and management of automation security programs at the department level.

#### Professional Services Division

- Provide professional development through a well managed academy model training program which provides consistent quality training for each staff member;
- Develop and implement an accurate department-wide method of documenting staff training;
- Establish and maintain an effective team which provides professional, timely investigative services to department programs/facilities;
- Design, develop, and complete the Department of Corrections policy manual and coordinate program/facility operational policies interface;
- Provide a system that allows for ongoing policy audits which will allow for compliance assurance as well as needs for policy modification;
- Develop a standardized evaluation system to be utilized in all regular and emergent licensing reviews;
- Develop a department-wide security monitoring and enhancement plan providing for regular audit checks, drills, and documentation;
- Develop and maintain an effective health service delivery system at Montana State Prison (MSP) which meets the requirements of the American Civil Liberties Union (ACLU) settlement agreement;
- Provide mental health screening, evaluation, treatment, and crisis management for the MSP inmate population which complies with ACLU settlement requirements;
- Develop a department plan for comprehensive, cost effective health services on a department-wide basis to guide the department's compliance with applicable legal standards throughout the adult and juvenile corrections systems;
- Promote public safety and institutional order by appropriately differentiating inmates based on their security, custody, and program needs;
- Develop consistent, standardized classification policies and procedures;
- Hold MSP and Women's Correctional Center (WCC) inmates accountable for resolving the issues they have with the conditions of their confinement, through a structured process, based upon appropriate communication techniques;
- Inform the MSP and WCC administrative teams of potential problem areas within the institutions, based upon the information received through inmate use of the grievance process;
- Provide a means of maintaining discipline and enforcing necessary rules within the institution;
- Develop and maintain the central system that ensures the safe, orderly and accurate placement and movement of inmates at MSP and within the Adult Correctional Information System (ACIS);
- To provide quality legal advice upon which our clients may confidently base departmental decisions; and
- In each case, to provide our clients with competent and thorough legal representation.

## ADMINISTRATIVELY-ATTACHED AGENCIES

### SENTENCING COMMISSION AUTHORITY:

Title 46, Chapter 18, part 130, MCA      Commission on sentencing

#### GOALS AND OBJECTIVES:

- Make a preliminary decision whether we should adopt "Truth in Sentencing" in Montana.
- Determine whether Montana should keep its existing primary sentencing rationale of rehabilitation or adopt a different sentencing rationale. (Sentencing rationale is defined as the reason for sentencing offenders to prison. The four recognized rationales are punishment, rehabilitation, incapacitation, and deterrence.);
- Evaluate the current sentencing policy in Montana to determine if the policy is effective, humane and rationale, and adequately considers public safety and restoration of the victim together with correctional resources in Montana. Evaluate the results of the commission's data collection project of approximately 1,000 criminal cases which culminated in a sentence in 1994 from 49 Montana counties;
- Compare our present indeterminate sentencing structure with a draft proposal of sentencing guidelines that the commission's subcommittee on sentencing guidelines developed;
- Present the commission's findings and proposals to the public for public comment and input; and
- Make specific recommendations to the 1997 Legislature concerning sentencing and sentencing reform in Montana. (The specific objectives will ultimately depend upon the commission's decision whether sentencing guidelines are advisable in Montana.)

### BOARD OF PARDONS AND PAROLE AUTHORITY:

Title 2, Chapter 15, part 2302, MCA      Board of Pardons and Parole - composition - allocation - quasi-judicial

#### GOALS AND OBJECTIVES:

- Protect the public safety and make every feasible effort to bring about the rehabilitation of those offenders incarcerated and those released:
  - To determine that an offender has satisfied minimum time of incarceration requirements;
  - To ensure an offender is released to adequate and appropriate supervision, for the protection of society, staff, and offenders;
  - To ensure an offender has taken advantage of opportunities for treatment and does not require continued correctional treatment;
  - To ensure an offender exhibits appropriate conduct within the correctional program;
  - To ensure that there is a reasonable probability that the offender can be released without being a detriment to himself/herself or to the community;
  - To determine whether an offender is willing and able to fulfill the obligations of a law-abiding citizen;
  - To ensure that a thorough investigation has been made concerning an offender's crime, social history, criminal record, education, occupation, physical and mental status, community information, parole officer input, and any physical and mental examinations which may have been made;
  - To return promptly to custody offenders who are unable or unwilling to adjust to supervision; and
  - To impose appropriate conditions of release and approve appropriate intermediate sanctions
- Subscribe to and promote parole as a process consisting of many decision junctures:
  - To institute and maintain an institutional pre-parole case management, community supervision case management, revocation, and condition setting as a system of continuum of service,
  - To preserve and maintain targeted case management,
  - To broaden automated case information capabilities;
  - To begin implementation of electronic files and an electronic filing system;
  - To collaborate with corrections officials and economize parole operations and lessen duplication of effort, and
  - To pursue the prospect of a risk assessment tool in the parole and parole revocation process
- Develop and implement a program of parole process education to ensure the offender, public, victims, judiciary, and policy making authorities are aware of trends and results within the parole process
  - To improve and distribute the victim information pamphlet and the orientation manual outlining the rules, regulations, policies, and procedures of the Board of Pardons and Parole,
  - To pursue a policy of openness and positive relations with the public, the press, other governmental agencies, and the private sector;
  - To encourage and stimulate new ideas through exchanges with state, regional, and national paroling authorities and correctional organizations,

- To encourage and support research and promote the formulation of common definitions and reporting methodologies in the parole process; and
- To increase the use and understanding of information in the parole process.
- Maintain and manage a state parole process that is consistent with sound release procedure and principles:
  - To recognize and respect victims of offenders;
  - To make every feasible effort to bring about rehabilitation of an offender;
  - To pursue procedures that protect the civil rights of all individuals at all levels of the corrections system;
  - To respect racial, ethnic, cultural, religious, and sexual differences; and
  - To encourage and expect offenders to accept responsibility for their actions at all times.

#### **COMMUNITY CORRECTIONS AUTHORIZATIONS:**

Title 41, Chapter 3 and 5, MCA	Child abuse and neglect - Youth Court Act
46-1-202, MCA	Criminal procedure - definition
46-18-105, MCA	Community corrections facilities or programs
Title 46, Chapter 23, part 10 and 11, MCA	Probation, parole, and clemency - supervision of probationers and parolees - interstate supervision of probation and parole
Title 52, Chapters 1 and 5, MCA	Family services administration - adult services
Title 53, Chapter 30, part 3, MCA	Community Corrections Act

#### **GOALS AND OBJECTIVES:**

- Establish and develop a Division Training Plan in conjunction with the Department Policy;
- Enhance offender accountability;
- Measure Division's rate of success annually;
- Develop additional Community Corrections Programs for adult and juvenile offenders;
- Enhance staff retention, recruitment and hiring procedures;
- Operate the Division within allocated funds; and
- Improve public relations.

#### **SECURE FACILITIES AUTHORIZATIONS:**

Title 46, Chapter 18, part 1, MCA	Sentence and judgement - policy and preliminary procedure
Title 46, Chapter 23, parts 4 and 5, MCA	Probation, parole, and clemency - supervised release program - registration of sexual and violent offenders
52-5-101, MCA	Youthful offenders - establishment of state youth correctional facilities - prohibitions
53-1-202, MCA	Department of Corrections
Title 53, Chapter 30, part 1, MCA	Corrections - Adult offenders - Montana State Prison

#### **GOALS AND OBJECTIVES:**

##### **Montana State Prison (MSP)**

- Provide a safe secure environment which will enhance public, employee, and offender safety;
- Provide a working and programming environment based on professionalism, personal responsibility, and respect for each individual;
- Be open, honest, and professional with each other, the public, the press, crime victims, and their families;
- Reduce the risk that offenders will reoffend by providing opportunities for them to make positive changes; and
- Expect offenders to be responsible and hold them accountable for their behavior.

##### **Women's Correctional Center (WCC)**

- Make security a priority at the WCC;
- Maintain open and honest communication with the public, media, legislature, and facility staff;
- Encourage, train toward, and enforce professional and ethical behavior of all WCC personnel;
- Develop and enhance programming for offenders that emphasizes accountability, education, skill building, interpersonal skills, independence, assertiveness, problem solving, trust, and legal and ethical behaviors; and
- Treat all individuals within the facility with respect, hold them accountable for their behaviors, and provide opportunities to demonstrate positive skills.

#### Pine Hills School (PHS)

- Increase academic test scores by four months to one year;
- Increase collection of restitution and performance of community service work;
- Increase number of juveniles working on campus for restitution and community service;
- Increase number of juveniles involved in cultural awareness programs;
- Decrease the number of runs from PHS;
- Decrease incidents of assaultive behavior among juveniles;
- Decrease number of accidental injuries among juveniles occurring in recreational activities;
- Implement computer-generated psychiatric screening;
- Implement pre and post Minnesota Multi-Phasic Personality Inventory (MMPI) test comparison;
- Increase health education provided to juveniles by nursing staff;
- Training coordinator to obtain American Correctional Association (ACA) recommended 40 hours of training as a trainer;
- Facilitate training of lodge staff to provide evening groups;
- Develop confidential finance report advising youth of monthly account balance; and
- Increase average length of stay.

#### MONTANA CORRECTIONAL ENTERPRISES AUTHORIZATION:

Title 53, Chapter 1, part 3, MCA

General administration of institutions - Institutional industries

#### GOALS AND OBJECTIVES:

- Provide offenders employment and training in basic work skills and vocational educational opportunities that will foster pride in workmanship, instill basic values, skills, ethics, and self esteem that will enable them to return to a productive community life with marketable skills;
- Produce and deliver quality products and services designed to meet customer needs, below market price, and in a timely manner;
- Ensure operations maintain security of the institutions, and retain public safety and trust; and
- Provide timely and accurate information regarding Montana Correctional Enterprises operations for department managers, the public, and the legislature.

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## Department of Commerce

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#### WEIGHTS AND MEASURES BUREAU AUTHORIZATIONS:

Title 30, Ch. 12, MCA

Provides for the general provisions and the authority for the Department of Commerce to regulate the method of sales of Commodities, labeling requirements, testing of weighing and measuring devices, and the maintenance of state standards. The Federal Government also has an interest in these areas.

Title 82, Ch. 15, MCA

Provides for the regulation of the quality of petroleum products, licensing of measuring devices, and price discrimination. The federal government also has an interest in these areas.

#### GOALS AND OBJECTIVES:

The Weights & Measures Bureau is one of fourteen state programs participating in a performance based budgeting (PBB) pilot project (refer to the discussion of the PBB pilot contained in the front of the executive budget document). The executive budget proposes the following bill language.

"The appropriation provided for the Weights & Measures Bureau is contingent upon funds being used to attempt to achieve program performance targets as outlined in the executive budget for the 1999 biennium. The Department shall provide semiannual reports to the Office of Budget and Program Planning and the Legislative Fiscal Division on progress towards achievement of these performance targets with explanations for any significant variances."

The proposed program goals and associated performance targets for each year of the 1999 biennium are as follows:

Goal #1) Maximize the testing, inspection, and certification of commercially used scales in Montana

Performance Measure/Target: Test, inspect, and certify on an annual basis, 90% of all licensed, commercial scales.

	<u>FY94</u>	<u>FY95</u>	<u>FY96 (Estimated)</u>	<u>FY94-FY96 Average</u>
Scales Licensed	6,629	6,756	6,728	6,704
Scales Tested, Inspected, and Certified	5,091	6,431	5,900	5,807
Inspection %	76.80%	95.19%	87.69%	86.62%

Explanation: Devices are licensed, tested, inspected, and certified on a calendar year basis. The Weights & Measures Bureau's performance measures for each year of the 1999 biennium are based upon the approximate average of FY94, FY95, and estimated FY96 activity. Testing of devices is entirely dependent upon the weather, availability of equipment, manpower, and the scheduling requirements of specific devices such as livestock scales.

Goal #2) Maximize the testing, inspection, and certification of retail and wholesale petroleum pumps and meters and liquid petroleum gas (LPG) meters used throughout Montana.

Performance Measure/Target: Test, inspect, and certify 85% of all licensed retail and wholesale petroleum dispensing pumps or meters and 85% of all liquid petroleum gas (LPG) meters on an annual basis.

	<u>Actual FY94</u>	<u>Actual FY95</u>	<u>FY96 Estimated</u>	<u>FY94-FY96 Average</u>
Pumps & Meters Licensed	11,136	12,167	12,527	11,943
Pumps & Meters Tested, Inspected, and Certified	7,367	11,878	10,000	9,748
Inspection %	66.15%	97.62%	79.83%	81.62%

	<u>Actual FY94</u>	<u>Actual FY95</u>	<u>FY96 Estimated</u>	<u>FY94-FY96 Average</u>
LPG Gas Meters Licensed	515	530	543	529
LPG Gas Meters Tested, Inspected, and Certified	538	378	405	440
Inspection %	104.47%	71.32%	74.59%	83.19%

Explanation: Devices are licensed, tested, inspected, and certified on a calendar year basis. The Weights & Measures Bureau's performance measures for each year of the 1999 biennium are based upon the approximate average of FY94, FY95, and estimated FY96 activity. Testing of LPG devices is entirely dependent upon scheduling the 1 prover that is used throughout Montana.

Goal #3) Maximize the inspection and testing of pre-packaged consumer goods offered for sale in Montana.

Performance Measure/Target: Inspect and test, on an annual basis, a minimum of 500 lots of pre-packaged consumer goods to insure compliance. These will include both standard and random packaged goods. Inspections and tests will be conducted according to nationally recognized statistical standards.

Explanation: In the past, the bureau has primarily inspected meat packaged at the retail level for net content. However, in January, 1996 the bureau initiated a new package testing program that uses a nationally recognized testing procedure applicable to both random and standard packages. (Standard packages refer to those with a consistent stated weight such as a standard 16 oz box of breakfast cereal, while random packages are those same size packages with varying amounts of the same commodity in them i.e. packages of hamburger in the local grocery store.) The 500 lot performance target is based on both the past program and the limited amount of data from the current program. Since the historical data base for packaged goods testing is limited, this performance target may have to be modified in the future.

Goal #4) Maximize the testing of the various grades of gasoline offered for sale to the general public throughout Montana for octane content.

Performance Measure/Target: Test for octane content a minimum of 300 samples of various grades of gasoline that are offered for sale to the general public on an annual basis statewide.

**Explanation:** In previous years, octane determination testing was done using an independent outside testing laboratory. This method of testing has proven to be very time consuming and extremely costly on a per sample testing basis. In June, 1996 the bureau purchased it's own portable octane analyzer for use in the field. This analyzer allows the bureau to test and obtain results at the pump. The performance target is based upon the bureau's best estimate of the number of octane samples that can be tested on an annual basis statewide. Since the historical data base for octane testing with the new analyzer is non-existent, this performance target may have to be modified in the future.

The Weights & Measures Bureau also has the following goals and objectives, which are primarily of a secondary nature, and are therefore not included as part of the PIB3 pilot project:

- Remove from use all unlicensed and inaccurate weighing or measuring devices.
- Participate in all "round robin" exercises conducted by the National Institute of Standards and Technology to maintain the integrity of the mass and volume standards.
- Calibrate on an annual basis all of the bureau's field standards and on a semi-annual basis all registered serviceman's equipment.
- Respond to every complaint registered to either the bureau's office or one of the field inspectors.

#### **BANKING AND FINANCIAL DIVISION AUTHORIZATION:**

Title 2-15-1803, MCA	Establishes the State Banking Board
Title 31-1-221 - 222, MCA	Licensing of Sales Finance Companies.
Title 32-1-202, MCA	Duties of State Banking Board.
Title 32-1-211, MCA	Examination and Supervision of Banks and Trust Companies.
Title 32-2-205, MCA	Chartering Savings and Loan Associations.
Title 32-2-301, MCA	Examination of Savings and Loan Associations.
Title 32-3-201, MCA	Chartering Credit Unions.
Title 32-3-301, MCA	Examination of Credit Unions.
Title 32-4-306, MCA	Examination of Development Organizations.
Title 32-5-201, MCA	Licensing of Consumer Loan Companies.
Title 32-5-403, MCA	Examination of Consumer Loan Companies.
Title 32-7-109, MCA	Licensing of Escrow Companies.
Title 32-7-108, MCA	Examination of Escrow Companies.
Title 72-27-203, MCA	Reports on Prearranged Funeral Plans.
USC Sec 10 FDI ACTFDIC Improvement Act	

#### **GOALS AND OBJECTIVES:**

Section 32-1-101(3)(a), MCA states that "the purpose of the Bank Act is to provide Montana with a sound system of state-chartered banks by providing for and encouraging the development of state-chartered banks while restricting their activities to the extent necessary to protect the interests of depositors. This includes: (1-MT)

- the sound conduct of the business of banks;
- the conservation of bank assets;
- the maintenance of adequate reserves against deposits;
- the opportunity for banks to compete with other businesses, including but not limited to other financial organizations existing under the laws of the state, other states, the United States and foreign countries;
- the opportunity for banks to serve the citizens of this state;
- the opportunity for banks to participate in and promote the economic progress of Montana and the United States;
- the opportunity for the management of banks to exercise business judgement in conducting the affairs of their institutions; and
- modernization and simplification of the law governing banking, by providing that banks have all the rights and powers granted corporations, except as otherwise provided in this chapter "

The aforementioned goals and objectives are referenced toward banks, which represent approximately 85% of the Division's business. It is the Division's policy to apply the same general standards to all businesses it regulates.

#### **FINANCIAL INSTITUTIONS DIVISION MISSION STATEMENT:**

The State of Montana's Financial Institutions Division is charged with protecting the public's interest in the regulation of all state-chartered banks and financial institutions that the Division is required by statute to regulate in the following manner:

- to preserve and promote sound and constructive competition among institutions regulated with a dual federal and state banking system, while overseeing the security of deposits and the safe and sound conduct of the business of state-chartered banks and financial institutions within Montana's statewide system; and
- to seek regulatory coordination, cooperation and parity among banks and institutions regulated, and maintain open lines of communication between banks and state and federal regulatory agencies.

Financial services offered by sound state institutions should foster economic growth and meet the public demand for these services in Montana communities.

#### **PROFESSIONAL AND OCCUPATIONAL LICENSING BUREAU AUTHORIZATIONS:**

Title 2, Ch. 15, part 18

Statutes establishing the Department Commerce and boards attached to the Department of Commerce, Professional and Occupational Licensing Bureau.

Titles 37, 23, 39, 50

Statutes governing the licensing boards and/or programs under the Professional and Occupational Licensing Bureau attached to the Department of Commerce.

#### **GOALS AND OBJECTIVES:**

In order to fulfill its mission, the Professional and Occupational Licensing Bureau is committed to achieving the following goals and objectives:

- Establishment of reasonable, common sense rules and standards under which one may engage in the practice of a regulated profession or occupation. (1-MT)
- Establishment of reasonable standards of conduct for licensees. (2-MT)
- Investigation of all allegations of incompetence or negligence by licensees.
- Investigating allegations of unlicensed practice in regulated professions and occupations.
- Imposition of appropriate sanctions based upon a fair and consistent finding of facts, practices, or omissions inconsistent with the statutes and rules regulating the profession or occupation.

The thirty-four boards and four programs attached to the Department of Commerce, Professional and Occupational Licensing Bureau are as follows:

#### **BOARDS**

Alternative Health Care Board  
Board of Architects  
Board of Athletics  
Board of Barbers  
Board of Chiropractors  
Board of Clinical Laboratory Science Practitioners  
Board of Cosmetologists  
Board of Dentistry  
Board of Funeral Services  
Board of Hearing Aid Dispensers  
Board of Landscape Architects  
Board of Medical Examiners  
Board of Nursing  
Board of Nursing Home Administrators  
Board of Occupational Therapy Practice  
Board of Optometry  
Board of Outfitters  
Board of Passenger Tramway Safety  
Board of Pharmacy

Board of Physical Therapy Examiners  
Board of Plumbers  
Board of Private Security Patrol Officers and Investigators  
Board of Professional Engineers & Professional Land Surveyors  
Board of Psychologists  
Board of Public Accountants  
Board of Radiologic Technologists  
Board of Real Estate Appraisers  
Board of Respiratory Care Practitioners  
Board of Sanitarians  
Board of Social Work Examiners and Professional Counselors  
Board of Speech-Language Pathologists and Audiologists  
Board of Veterinary Medicine  
State Electrical Board  
Board of Realty Regulation

#### **PROGRAMS**

Boiler Operators/Engineers  
Construction Blasters

Crane/Hoisting Operators  
Fire Prevention & Permitting

#### **MISSION STATEMENT:**

To safeguard the public health, safety, and welfare of the citizens of the State of Montana and to protect the public from being misled by unscrupulous, incompetent and unauthorized persons. The various boards and programs protect the public from unprofessional conduct by licensees; help assure the availability of the highest quality services of those licensed; ensure qualifications for entry into a profession or occupation; monitor practices of those licensed; and combat unlicensed practice.



## **ECONOMIC DEVELOPMENT DIVISION AUTHORIZATIONS:**

Title 90, Chapter 1, MCA	Economic & Community Development
Title 30-16-201, MCA	Small Business Licensing Coordination
Cooperative Agreement SB-2M-00137-06	Small Business Development Center
Title 90-9-109, MCA	Trade Offices
Title 90-1-109, MCA	Census & Economic Information
Title 17, Chapter 6, Part 4, MCA	Micro Business Development Act
Title 17, Chapter 6, Part 5, MCA	Job Investment Act
Title 90-1-305, MCA	State Authority for Block Grants
24 CFR 570, Subpart I	Community Development Block Grants

## **GOALS AND OBJECTIVES:**

The Economic Development Division is committed to achieving the following objectives:

- Provide assistance and information to communities in Montana which allow those communities to achieve the objectives for community development that have been defined by them.
- Provide assistance and information to businesses which is useful in helping the business achieve or maintain profitability and growth thereby increasing the opportunities for employment and higher wages for Montana citizens.

The Economic Development Division is the lead agency for economic development in the Department of Commerce. Goals and objectives are prioritized by program as follows:

### Regional Development:

The role of the Regional Development Program is to provide support and direct assistance to local and regional development efforts by working with key businesses and local, regional, state, and federal organizations to identify economic and community development needs and priorities and to assist with solutions by leveraging available resources.

- Work with economic development partners on projects or activities which help create and/or retain jobs in businesses that have the most potential to have a positive impact on a community or regional area
- Market and train local economic development entities in the Job Investment Program and the Community Development Block Grant Program for economic development.
- Research all available financing resources for each business financing project, including private lending institutions, Board of Investments programs, the Montana Science and Technology Alliance, Small Business Administration, Economic Development Administration, Rural Economic and Community Development programs, local revolving loan funds, and other appropriate debt and/or equity providers.
- Coordinate and follow up on leads provided by the Business Location Assistance program.
- Assist in the development of an inventory of Montana businesses, their products, their production capabilities, and production capacities.
- Provide technical assistance and act as the primary resource used by businesses and communities in finding the financial resources they require to address the issues and priorities identified by them.

### Trade:

The Trade program identifies opportunities for trade, both worldwide and domestically. By providing representation, information, and technical assistance, the program helps Montanans pursue those opportunities. The program works to increase Montana's export sales, international tourism and inward investment, serving mainly small and medium-sized firms new to international and national markets. The program also serves as the protocol and international cultural liaison for the Governor's Office and the Department of Commerce. Contract overseas offices are maintained in Taiwan at the Taipei World Trade Center and in the prefectural offices of Montana's sister-state Kumamoto, Japan. The program also works in conjunction with the product promotion efforts of the Montana Promotion Division and Department of Agriculture.

- Coordinate the activities of the state's overseas offices in Taipei Taiwan and Kumamoto Japan
- Offer trade consultation including technical assistance on transporting products overseas, completing necessary documentation, trade finance, locating and qualifying distributors and agents, structuring distributor relationships, customs clearance issues and choosing appropriate funds transfer and payment methods to Montana businesses
- Supply Marketing/Country reports from the National Trade Data Base to provide in-depth product marketing reports as well as comprehensive country reports to Montana businesses
- Furnish trade leads to qualified Montana companies which originate from the state's foreign offices, as well as other organizations such as JETRO and from specific countries and companies
- Assistance in organizing and qualifying Montana companies and products for both domestic and international trade shows
- Special promotions for Montana made products and services
- Assistance to businesses and administration officials in coordinating trade missions for the purpose of promoting and increasing the export of Montana products

- Providing tourism promotion services in the far east via the overseas offices in Taiwan and Japan . These offices provide background information and consultation for tour companies. They also provide news stories (publicity) about Montana to popular magazines, newspapers, and television and radio stations.
- Cultural and diplomatic liaison services by making arrangements for foreign dignitaries, government officials, and citizens.

#### Census and Economic Information Center:

The role of the CEIC program is to assist the businesses and communities of Montana in achieving economic and social prosperity by efficiently and effectively providing comprehensive demographic, economic, and business data and, information and technical assistance to all requestors.

#### Business Planning:

The Business Planning program is responsible for helping Montana's potential and existing businesses develop, survive, and prosper by providing information and knowledge through group training and one-on-one business counseling.

- Provide businesses with training, technical assistance and information through the statewide network of Small Business Development Centers (SBDCs) located in Billings, Bozeman, Butte, Great Falls, Havre, Helena, Kalispell, Missoula, and Sidney.
- Provide prospective business owners with assistance and information on state and local licensing requirement for starting and operating a business.
- Assist small business in complying with the requirements of the federal Clean Air Act. This program offers free and confidential regulatory and technical assistance to help business comply with the federal requirements without putting them at risk.
- Present NX Level Training programs throughout the state. This training helps entrepreneurs determine the feasibility of their business idea(s) and provides training in most facets of operating a successful business venture.
- Provide technical assistance to small businesses in Montana through a partnerships with other local and federal programs.

#### Business Finance:

The Business Finance program is responsible for administering several state and federal loan programs targeting business financial needs that are not fully being met by the private financial sector.

#### Community Development Block Grant Loan Program:

Loans to businesses are designed to stimulate economic activity by assisting primarily the private sector in retaining or creating employment for low to moderate income individuals. These funds are intended to be used for local development projects where a funding gap exists and alternative sources of financing for the project are not adequate. Funds are intended to complement conventional sources.

- Encourage viable economic development projects that promote investment of private capital, expansion of local tax bases, and creation of permanent jobs that are principally for low and moderate income individuals.
- Encourage projects that will involve basic economic activities, including manufacturing, import substitution, or the distribution of Montana goods.
- Encourage projects that involve the processing, refining, and marketing of Montana's natural resources.
- Projects are selected by considering the overall feasibility, long range economic impact, and the number of jobs that are made available to low and moderate income persons.

#### Microbusiness Finance:

To encourage and assist in the creation, development, and financing of businesses with fewer than ten full time employees and gross revenues of less than \$500,000 per year. The Microbusiness program operates through local Microbusiness Development Centers (MBDCs) around the state which provide convenient access to the program by prospective customers. The Microbusiness program is committed to assisting the MBDCs by:

- Providing and/or finding assistance and expertise which they require to succeed in operating their individual loan programs.
- Obtaining information about other micro lending programs around the country and sharing information gained which could prove useful to the MBDCs.
- Providing training opportunities for MBDC staff and loan review board members which assists them in operating a successful micro lending program.
- Sharing data and "best practice" information from other members of the MBDC network.
- Exploring potential funding and technical assistance opportunities for the MBDCs and their business clients.

#### JOB Investment Loans:

This program is intended to provide funding for loans to Montana businesses as part of a financing package to permit business expansion, job creation and job retention. The program will provide a portion of the financing necessary to permit business expansion, job retention, and job creation and will be used only in conjunction with equity and other debt financing in cases where other funding would not satisfy the total need and would not be available without this piece of additional financing.

- Encourage viable economic development projects that promote investment of private capital, expansion of local tax bases, and creation of permanent jobs.
- Encourage projects that will involve basic economic activities, including manufacturing, import substitution, or the distribution of Montana-made goods.
- Encourage projects that involve the processing, refining, and marketing of Montana's natural resources.

- Projects funded must provide debt financing from other sources that are equal to or greater than Job Investment funds. In addition, the total amount lent for any project cannot exceed \$500,000 and at least one private lender must be a financial institution.

#### Business Location Assistance:

The Business Location Assistance program seeks to promote a stronger and more diverse Montana economy through the attraction of expanding and relocating firms to Montana locations. The program primarily focuses on attracting firms which serve non-local markets, except where in-state demand for goods and services is not currently met by in-state providers.

- Provide prompt referrals of prospective expanding or relocating firms to Montana communities meeting the company's physical, economic, and/or demographic requirements.
- Provide assistance in working with recruitment prospects to communities who request it.
- Work with individual communities or groups of communities and/or other organizations to design and implement proactive recruitment efforts to attract specific types of firms in industries targeted by the community.
- Work with companies new to Montana to identify and utilize in-state sources of goods and services rather than out-of-state sources whenever possible.
- If in-state demand for particular goods or services exists where there is no in-state source for those goods or services, the program will attempt to recruit one or more firms to fill that demand.

#### **MISSION STATEMENT:**

To assist the businesses and communities of Montana in achieving economic prosperity keeping in mind that the vision of prosperity to be achieved must be defined by the businesses and communities that we serve.

#### **MONTANA PROMOTION DIVISION AUTHORIZATION:**

Title 15-65-101, 15-65-102, 15-65-111 through 115, 15-65-115, 15-65-121, 15-65-122, and 2-15-1816, MCA

Provides for the Existence of the State Tourism Promotion Program.

#### **GOALS AND OBJECTIVES:**

The following are the base programs of the Travel Promotion & Development Division:

##### Consumer Advertising:

Creates and increases consumer awareness of Montana as a year-round vacation destination, thereby increasing nonresident travel to Montana.

##### Consumer Publications:

Consumer travel publications play an important part in the vacation planning process of travelers. The aim of this program is to produce and effectively distribute high quality, reader-friendly publications which portray the variety of recreational opportunities and attractions available in Montana.

##### Electronic Information Services:

Designs and administers the electronic dissemination of Montana travel information via the Internet, interactive touch screen kiosks, and maintains the database used by the telephone information system that visitors call when planning a trip to Montana.

##### Consumer Services:

This program has a dual purpose: To provide consumers with Montana travel literature and travel planning assistance, and to produce and maintain accurate statistical data for the evaluation of the Division's advertising efforts.

##### Film Industry Promotion and Services:

Actively promotes Montana as a film location for feature films/commercials, TV documentaries, music videos and still photography.

##### Industry Services:

Administers the distribution of lodging tax revenues to certified tourism organizations for their promotion as a travel destination, within the framework of the law and guidelines established by the Tourism Advisory Council.

##### Overseas Marketing:

Responsible for developing and increasing individual and group travel to Montana by targeting key tour operators, wholesalers, and the media in western Europe and the Pacific Rim.

U.S. and Canadian Group Travel:

Designed to promote Montana's many group tour and travel opportunities by marketing directly to group tour operators.

Publicity:

Publicity efforts are designed to generate positive editorial exposure in national magazines, TV shows, and regional and local publications.

Tourism Development:

Coordinates and facilitates cooperative tourism-related efforts between federal and state agencies, rural communities, Indian tribes, and private sector interests.

Community and Infrastructure Grants Program:

A major component of the tourism development function of Travel Montana is to administer all aspects of the awarding of grants by the Governor and Tourism Advisory Council to qualified projects and communities. These grants are used to aid in developing and improving the tourism-related infrastructure throughout Montana.

Convention Promotion:

Strengthens Montana's image among convention and meeting planners nationwide through a two-tier direct mail campaign and an Invite-A-Convention campaign encouraging in-state organizations to bid conventions to Montana.

SuperHost Program:

Provides an on-going, comprehensive, community-based system for strengthening customer service and improving visitor information resources throughout the state.

**TRAVEL PROMOTION & DEVELOPMENT DIVISION MISSION STATEMENT:**

To strengthen Montana's economy through increased visitor travel, visitor expenditures, and the filming of motion pictures and commercials in the state.

In support of this mission, the Division works to project a positive image of the state through consumer advertising, publicity, international and domestic group travel marketing, printing and distribution of literature, and marketing to motion picture and television production companies. The Division is funded primarily by the statutorily appropriated lodging facility use tax and uses these monies to provide training and assistance to the Montana tourism industry, administer and distribute infrastructure grants, and oversee expenditures of six regional non-profit corporations and the nine specific cities where lodging facility use tax collections exceed \$140,000.

**COMMUNITY DEVELOPMENT BUREAU AUTHORIZATION:**

Title 90-1-103, MCA

Functions of Department of Commerce - Community Development.

Montana Coal Board

Title 90-6-201 - 212, MCA

Coal Board Authority and Mission.

Community Development Program

Title 90-1-305(5), MCA

State Authority for Block Grant Operation.

24 CFR 570, Subpart I

HUD Regulations for the State Community Development Block Grant Program.

42 USC 5301

Federal Housing and Community Development Act of 1974.

Community Technical Assistance Program

Title 90-1-101 - 108, MCA

State Technical Assistance and Planning Responsibilities.

Hard Rock Mining Impact Board

Title 90-6-301 - 404, MCA

Hard Rock Mining Impact Act and the Property Tax Base Sharing Act.

Treasure State Endowment Program

Title 90-6-701 - 710, MCA

Treasure State Endowment Program.

**GOALS AND OBJECTIVES:**

In order to fulfill its mission the Community Development Bureau is committed to achieving the following goals and objectives:

#### Montana Coal Board:

The Coal Board seeks to assist the local community experiencing impact as the result of coal development with funding to meet the escalating costs of adequate governmental services and facilities. The intent is not to replace local effort but instead to provide for the additional costs generated as a direct consequence of the coal development. As set out in state law (90-6-201, MCA), the purpose of the Coal Board is, "To assist local governmental units, which have been required to expand the provision of public services as a consequence of large scale development of coal mines and coal using energy complexes."

- Ensure that appropriate fiscal assistance is provided for the most needed local public facilities or services impacted by major coal development.
- Provide ongoing evaluation and monitoring of all Coal Board funded projects.
- Provide quality technical assistance to all requests concerning coal impact mitigation.

#### Community Development Block Grant:

The CDBG Program is a federally-funded competitive grant program established in 1974 which is designed to help communities of less than 50,000 population with their greatest community development needs. All CDBG projects must principally benefit low and moderate income persons. The housing and public facilities categories are administered by the DOC Local Government Assistance Division, Community Development Bureau. (The economic development category is administered by the DOC Economic Development Division.) Through separate grant competitions for each category, the Department typically awards grants for five to seven housing projects and 10 to 14 public facility projects annually.

Since 1982, the CDBG program has provided matching grant funds for over 150 water, wastewater, solid waste, storm sewer, and senior citizen center projects under the public facilities category. Under the housing category, the CDBG program has funded over 75 communities to carry out housing rehabilitation programs or finance new housing construction.

As set out in the Federal Housing and Community Development Act, the primary mission of the CDBG program "is the development of viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities, principally for persons of low and moderate income."

- Enhance the quality of life in Montana's communities through rehabilitation or construction of affordable housing, provision of adequate infrastructure and community facilities to protect the public health and safety and to provide vital services, and creation or retention of employment opportunities.
- Provide funding to communities whose needs are greater than those of other communities and whose projects most effectively address local needs and the goal and objectives of the Montana CDBG Program.
- Ensure that CDBG projects result in sound investment in Montana's communities and are administered efficiently, effectively and consistently with appropriate State and federal policies.
- Encourage coordinated long-term strategies for community development activities which are consistent with local planning efforts and capital improvements programming.
- Provide decent, safe, sanitary and energy efficient housing for persons of low and moderate income by conserving and improving the condition of appropriate existing housing stock.
- Support the revitalization of deteriorated or declining residential neighborhoods through comprehensive neighborhood improvement efforts which address blight, as well as housing and public facility needs.
- Assist communities in providing appropriate, affordable, and long-term solutions to serious deficiencies in public facilities which are detrimental to the public health and safety and detract from further community development, or which are necessary to meet other essential community needs.
- Encourage community participation in the financing of public facility projects in proportion to local financial resources and capacity to share in project costs.

#### Community Technical Assistance:

The Community Technical Assistance Program (CTAP) was established by the Legislature in 1967. CTAP is directed by state law to improve local planning and community development in Montana by providing technical assistance, practical information, and training on community and rural planning options, land use laws, and planning and land development techniques to local government officials, planning boards, planners, parks boards, development groups, surveyors, land developers, and citizens.

- Encourage local comprehensive planning, economic development planning, and capital improvements planning by effectively managing and distributing the County Land Planning Fund Coal Tax Grants to county governments.
- Carry out studies of problems and develop new practical methods to help city and county governments develop fair, legally sound, and cost effective comprehensive plans, local land use regulations, and land development procedures.
- Establish and update land surveying standards and administrative rules to facilitate the surveying of land, prevent property boundary disputes, and ensure accurate land records, and assist private landowners and local governments with these standards and rules.
- Assist local government officials and staff, engineers, and citizens with financing important public facilities by serving as a clearinghouse and providing information and training on financing options and techniques.
- Assist applicants for Montana Community Development Block Grants by providing technical assistance on community planning, development and facility financing.
- Assist the Governor in coordinating the activities of state agencies which affect community development and community plans.

#### Hard Rock Mining Impact Board:

The purpose of the Hard-Rock Mining Impact Act (1981) and the companion Property Tax Base Sharing Act (1983) is to mitigate local government service, and facility fiscal impacts resulting from new large-scale hard-rock mineral developments in the State. Through their impact plan, the mineral developer and affected local government units identify the increased capital, operating and net operating costs of local government services and facilities needed as a result of the mineral development. The developer commits to pay the increased capital and net operating costs identified in the plan, often by prepaying property taxes for specified purposes. Implementation of the impact plan is intended to ensure that local government services and facilities are available when and where they are needed as a result of the mineral development, without imposing additional costs on the pre-development local taxpayer.

The five member Hard-Rock Mining Impact Board, appointed by the Governor, administers the Hard-Rock Mining Impact Act and carries out specific functions under the companion Property Tax Base Sharing Act. The Board establishes policies, makes determinations, and adopts rules as necessary to ensure the consistent interpretation and implementation of the Impact and Tax Base Sharing Acts. In providing technical assistance to the affected parties, agencies and public, and to facilitate their cooperative efforts, the Board has prepared, and periodically updates, a Guide to the implementation of the Impact and Tax Base Sharing Acts.

In its quasi-judicial capacity, the Board adjudicates formal disputes between mineral developers and local government units concerning proposed and approved impact plans, plan waivers and conditional waivers. The Board attempts to forestall the necessity for formal adjudication by encouraging and facilitating the parties' informed performance of their respective responsibilities, by encouraging and facilitating their cooperative efforts to clarify and resolve issues, and, when appropriate, by assisting in the mediation of disputes.

- Assist mineral developers, affected local governments, State and federal permitting agencies, and the affected public to understand and implement the Hard-Rock Mining Impact Act and the Property Tax Base Sharing Act. Work with affected parties to clarify the purposes of the impact assistance statutes and how the statutes function; to clarify the respective roles and responsibilities of the affected parties; to identify what is needed to prepare, review and implement a workable local government impact plan; and to clarify how expectations associated with the allocation and distribution of metal mines license tax proceeds may affect the informational and procedural provisions of an impact plan.
- Adjudicate, through contested case hearings, formal disputes between mineral developers and local government units concerning proposed impact plans and plan waivers, proposed plan amendments, and the parties' implementation of and compliance with approved impact plans and plan waivers.
- During the 1998 - 1999 biennium, the Hard-Rock Mining Impact Board anticipates working with 3 to 5 large-scale mineral developers and 25 to 45 affected local government units preparing impact plans; 1 to 3 mineral developers and 15 to 25 local government units reviewing and approving impact plans; 3 to 5 mineral developers and 15 to 35 local government units implementing impact plans; 1 to 3 mineral developers and 5 to 25 local government units amending impact plans; and 1 mineral developer and 5 to 7 local government units in impact plan waiver determination.

#### Treasure State Endowment:

The Treasure State Endowment Program (TSEP) is a State-funded grant and loan program designed to assist local governments in obtaining affordable financing for constructing or repairing drinking water systems, wastewater treatment facilities, sanitary or storm sewer systems, solid waste disposal and separation systems, and bridges. It was authorized by Montana voters with the passage of Legislative Referendum 110 on June 2, 1992. TSEP funding is recommended to assist local governments in order to make infrastructure projects affordable, where local governments are unable to borrow or obtain the necessary funds from local or other sources. During the 1993 Legislature, 24 projects were approved totaling \$4.134 million in TSEP funds. During the 1995 Legislature, 15 projects were approved totaling \$4.9 million in TSEP funds. For the 1997 Legislature, about \$6 million is anticipated to be available for TSEP awards.

It is the mission of the Treasure State Endowment Program to effectively and efficiently assist local governments in financing cost-effective and affordable public facilities. The purpose of the Treasure State Endowment Program is to assist local governments in funding infrastructure projects that will:

- Create jobs for Montana residents.
- Promote economic growth in Montana by helping to finance the necessary infrastructure.
- Encourage local public facility improvements.
- Create a partnership between the state and local governments to make necessary public projects affordable.
- Support long-term, stable economic growth in Montana.
- Protect future generations from undue fiscal burdens caused by financing necessary public works.
- Coordinate and improve infrastructure financing by federal, state, local government, and private sources.
- Enhance the quality of life and protect the health, safety, and welfare of Montana citizens.

#### **MISSION STATEMENT:**

To provide technical assistance to county, municipal, state, regional planning commissions, zoning commissions, parks or recreational boards, community development groups, community action agencies, private developers, and the public in public facilities planning and financing; land use and comprehensive planning; community development and financing; coal and hard rock mining impact mitigation; and general local government research.

## LOCAL GOVERNMENT SERVICES ACCOUNTING SYSTEMS AUTHORIZATIONS:

Article VIII, Section 12, Montana Constitution	Mandate for local government accountability.
Title 2-6-Part Four, MCA	Retention and Disposition of Local Government Records.
Title 2-7-503, MCA	Financial reports and audits of local government entities.
Title 2-7-504, MCA	Accounting methods.
Title 2-7-513, MCA	Content of audit report and financial report.
Title 2-7-514, MCA	Filing of audit report and financial report.
Title 7-1-4145, MCA	Coordinate collection of local government data by federal and state agencies.
Title 7-1-4147, MCA	Coordinate technical advice provided local government by state agencies
Title 7-1-4148, MCA	Stop financial aid to municipalities failing to provide information.
Title 7-2-4911, MCA	Certify financial condition of disincorporating municipalities.
Title 7-3-146, MCA	Filing petitions for disincorporation.
Title 7-3-153, MCA	File existing or proposed plans of government.
Title 7-5-2132, MCA	Approve county records destruction requests.
Title 7-5-4124, MCA	Approve city/town records destruction requests.
Title 7-6-2114, MCA	County treasurers to permit department to examine books.
Title 7-6-2141, MCA	Coordinate county collection of state revenue
Title 7-6-2203, MCA	Prescribe form for county annual report.
Title 7-6-2302, MCA	Prescribe forms and implement rules for county budgets.
Title 7-6-2311, MCA	Prescribe forms for estimating revenues and expenditures for counties.
Title 7-6-2314, MCA	Establish chart of accounts and expenditure classifications for counties
Title 7-6-2322, MCA	Counties to submit final budget to department.
Title 7-6-4111, MCA	Prescribe format for city/town annual financial report
Title 7-6-4113, MCA	Receive city/town annual financial report - authority to prepare if not submitted by entity.
Title 7-6-4205, MCA	Prescribe forms and implement rules for municipal budgets.
Title 7-6-4221, MCA	Prescribe forms for estimating revenues and expenditures - cities/towns.
Title 7-6-4225, MCA	Establish chart of accounts and expenditure classifications for cities and towns.
Title 7-6-4233, MCA	Cities/towns to submit final budget to department.
Title 19-18-205, MCA	Fire department relief associations to file annual report with department.
Title 19-18-206, MCA	Department to report to governor upon complaint or discovery of mishandling of local fire department relief association funds.
Title 19-18-403, MCA	Advise fire department relief associations of current yield on investments of public retirement funds.
Title 85-7-1616, MCA	Prescribe accounting systems for joint irrigation districts
Title 85-7-1913, MCA	Prescribe accounting systems for irrigation districts.

## GOALS & OBJECTIVES:

In order to fulfill its mission the Accounting Systems Program is committed to achieving the following goals and objectives

- The Accounting and Management Systems Program assures the accountability of revenues received and money spent by Montana local governments through the prescription and maintenance of a uniform, statewide budgeting, accounting and reporting system (BARS).
- Provide timely and expert consultation to local government officials concerning the training and performance integrity of appropriate local financial management personnel. This is to be accomplished by telephone, on-site visitations and training seminars.
- Inform local government personnel of changes in accounting standards issued by the Governmental Accounting Standards Board (GASB) and other authoritative bodies.
- Keep local government informed of statutory changes initiated by the State Legislature following each session.
- Develop and conduct useful and effective training seminars and make them available to all local government officials and participate in other training efforts sponsored by other agencies, organizations, and associations
- Act as a liaison between local governments and other State agencies. Coordinate the collection of State revenues by local governments. Develop and distribute a County Collections Manual to all counties to accomplish this end.
- Receive and review for propriety of all local government budgets and annual financial reports and follow up on any serious deficiencies noted. This may include on-site visits to local governments and meeting with governing bodies. Monitor the timely issuance of such documents to insure they are filed in accordance with State law
- Accumulate local government financial information in a data base which will provide useful reports of such data to a variety of user needs (i.e. legislative requests for fiscal notes, local government organizations and associations, and other State agencies)
- Provide a representative as a member of the "Local Government Records Committee" which serves to approve, modify, or disapprove proposals for local government records retention and disposition schedules and respond to requests for technical advice on matters relating to local government records

## MISSION STATEMENT:

To provide effective, consistent and useful technical assistance to local governments, state agencies and other local government organizations and associations in a timely manner and to provide effective training resources to local government personnel in the areas of local government finances, accounting, budgeting and reporting.

## LOCAL GOVERNMENT SERVICES AUDIT REVIEW AUTHORIZATIONS:

Article VIII, Section 12, Montana Constitution	Mandate for strict accountability of all revenue received and money spent Montana Constitution spent by local governments.
Section 2-7-501, MCA	Definitions for Montana Single Audit Act.
Section 2-7-502, MCA	Purposes of State of Montana Single Audit Act.
Section 2-7-503, MCA	Prescribes local government audit requirements - Department to receive local government annual financial reports and audit report, require financial review as defined by Department, and conduct or contract for special audit of local government.
Section 2-7-505, MCA	Department to prescribe audit scope and standard. Department to prepare a local government compliance supplement to contains state and federal compliance requirements applicable to local governments for use by the independent auditors.
Section 2-7-506, MCA	Department to prepare and maintain a roster of independent auditors authorized to conduct local government audits. Department, in consultation with Board of Public Accountants, to adopt rules governing qualifications for auditors on roster, auditor selection criteria, and fees for auditors to be placed on the roster. Department to prescribe form of local government audit contracts and be a party to all contracts. Department to notify local governments of required audits and audit requirements. Department may designate auditor if local government fails to select a qualified auditor within 90 days.
Section 2-7-507 - 508, 2-7-511 - 512, MCA	Prescribes duties of local government officials, powers of auditors, conditions for suspending a local government official, and requirement for audit exit conference. Department to adopt required audit reporting standards by administrative rule.
Section 2-7-513, MCA	Audit reports to be filed with Department.
Section 2-7-514, MCA	Department to received from Office of Public Instruction a listing of school districts subject to audit under the Act each year. Department to charge local governments subject to audit a filing fee, and adopt the filing fee schedule by administrative rule.
Section 2-7-515, MCA	Department to received notification from local governments of actions to be taken to correct audit findings. Department to review corrective action plan and notify local government if plan is acceptable. The Department may withhold financial assistance to a local government if it fails to resolve audit findings or implement corrective measures, in accordance with administrative rules adopted by Department. Department may refer cases where there is a violation of law or nonperformance of duty to the attorney general for prosecution if the local government attorney fails or refuses to prosecute.
Section 2-7-516, MCA	Requires fees for Department audits to be deposited with state treasurer to enterprise fund for Department.
Section 2-7-517, MCA	Permits Department to stop financial assistance to a local government that fails to file an annual financial report; to stop financial assistance to a local government or charge a late payment penalty for failing to pay the required filing fee; or stop financial assistance to a local government for failing to pay an audit bill within 60 days.
Section 2-7-518, MCA	Department to deposit all fees received to an enterprise fund to be used for the administration of Title 2, Chapter 7, Part 5, MCA.
Section 2-7-522, MCA	Department to review local government audit reports to determine that the provisions of Title 2, Chapter 7, Part 5, MCA, have been complied with. Department to require auditors to correct significant deficiencies. Department may refer auditor to State Board of Public Accountants if report fails to meet required auditing standards. Department shall notify state agencies of audit findings affecting programs they are responsible for.



## **GOALS & OBJECTIVES:**

In order to fulfill its mission the Audit Review Program is committed to achieving the following goals and objectives:

Through the audit process, ensure that all local government entities properly account for and report all financial activities and adhere to all applicable laws and regulations.

- Receive local government annual financial reports and ensure that all Montana local government entities file such reports each year.
- Determine from the financial information in the annual financial reports, and from financial information regarding school districts provided by the Office of Public Instruction, which local government entities are required to be audited under the provisions of the Montana Single Audit Act and notify those entities that they are required to be audited.
- Approve all local government entity audit contracts and receive all local government entity audit reports to ensure that all the local government entities required to be audited under the Montana Single Audit Act arrange for and have the audits completed within the statutorily prescribe time.
- Review audit findings and recommendations, and the entities responses or corrective actions plans to ensure that the local government entities take appropriate action to correct the audit findings and adopt appropriate audit recommendations.
- Refer to State agencies any audit findings relating to programs they administer so that they are aware of the findings and can take appropriate action.
- Provide technical assistance to Montana local governments in the areas of auditor selection, resolution of audit findings, legal compliance requirements, and accounting and budgetary matters.

Develop and implement policies and procedures to ensure the quality of local government audits and that they meet the needs of the various report users.

- Review local government audit reports and audit working papers to ensure that the audits are conducted and reported in accordance with applicable standards.
- Develop and maintain a compliance supplement manual in order to provide independent auditors with current information regarding statutory and regulatory compliance requirements that apply to Montana local governments.
- Act as a liaison between independent auditors conducting local government audits and state agencies.
- Provide technical assistance to independent auditors conducting audits of Montana local government entities.
- Refer complaints, concerns, or allegations received from the public or government agencies regarding a local government entity to the auditor for the local government for review during the audit

## **MISSION STATEMENT:**

To improve the financial management of local government entities with respect to federal, state, and local financial assistance, establish uniform requirements for financial reports and audits of local government entities; ensure constituent interests by determining that compliance with all appropriate statutes and regulations is accomplished, ensure that the financial condition and operations of the local government entities are reasonably conducted and reported; ensure that the stewardship of local government entities is conducted in a manner to preserve and protect the public trust; ensure that local government entities accomplish, with economy and efficiency, the duties and responsibilities of the entities in accordance with the legal requirements imposed and the desires of the public; and promote the efficient and effective use of audit resources. (2-7-502, MCA)

## **LOCAL GOVERNMENT ASSISTANCE ADMIN AUTHORIZATION**

### LGS - Administrator

This division administration program operates/manages  
under the multiple federal and state authorities  
enabling/mandating the individual programs  
functioning in the Local Government Assistance  
Division

## **GOALS AND OBJECTIVES:**

In order to fulfill its mission the Local Government Assistance Administrator is committed to achieving the following goals and objectives:

- Direct and insure the effective, appropriate, and coordinated delivery of local assistance where it is most needed
- Direct and ensure the maximized and efficient utilization of all resources within the division
- Direct and ensure the appropriate integration of this division's objective into the mission and goals of the department

## **MISSION STATEMENT:**

To provide the Local Government Assistance Division with the quality administration and leadership that ensures short and long range program effectiveness, efficiency, and legal compliance and brings the taxpayer the best, most appropriate, and least cost products and services.

#### **BUILDING CODES BUREAU AUTHORIZATION:**

Title 50, Chapter 60, MCA

Statutes that create the statewide building code and assign responsibility for administration to the Department of Commerce.

Title 50, Chapter 74, MCA

Statutes that create the statewide boiler inspection requirements.

#### **GOALS AND OBJECTIVES:**

In order to fulfill its mission the Building Codes Bureau is committed to achieving the following goals and objectives:

- . Protect the health and safety of the public, employees, prospective owners in the state by adoption of appropriate minimum codes. Enforce those codes and building code statutes to effect construction of safe buildings and building components, including passenger elevators and boilers, and recreational vehicles.
- . Provide prompt, courteous and efficient service to building owners, design professionals, contractors and trade persons in review and approval of plans; issuance of building, plumbing, mechanical and electrical permits; issuance of factory-built building and recreational vehicle insignias; issuance of passenger elevator certificates and issuance of boiler certificates.
- . Provide prompt, courteous and efficient field inspections to determine compliance with codes and permits and for investigation of complaints.
- . Provide field verification of compliance with plumbers and electricians licensing laws and rules on projects being inspected for compliance with plumbing and electrical codes.
- . Refer violations to Board of Plumbers and State Electrical Board for action.

#### **MISSION STATEMENT:**

To protect the health and safety of the public and workers in the state by ensuring design and construction of safe buildings and recreation vehicles to meet minimum building, plumbing, mechanical, electrical, elevator, and boiler standards and the promotion of energy efficient construction.

#### **MONTANA HEALTH FACILITY AUTHORITY AUTHORIZATION:**

Title 90, Chapter 7, MCA

The Montana Health Facility Authority Act

#### **GOALS AND OBJECTIVES:**

##### MHFA Financing Role

To maintain and improve the current financing programs for traditional borrowers.

- 1996 Objectives: Standardize the Master Loan and Direct Loan Program documents.
  - Document procedures which expedite the financing process.
  - Monitor the value added to the financing process by MHFA.
  - Evaluate the procedures of all current programs.
- 1997 Objectives: Establish a financial consultation business line for private placements.
  - Examine the effectiveness of the 1985 Pooled Loan Program financial advisor.
- 1998 Objectives: Examine options for further reductions in the customer's costs of borrowing.
  - Complete an Authority underwriting manual.

##### Access to Cost Effective Capital

To develop and implement effective financing plans, including credit enhancement, for under served borrowers.

- 1996 Objectives: Promote and utilize the tax-exempt leasing programs.
  - Solicit bond enhancement from investment grade financial institutions.
  - Maintain the available pool of funds at \$27,000,000 for the 1985 Pooled Loan Program.
- 1997 Objectives: Promote and refine the private placement program.
  - Develop a model framework and program for credit enhancement from community financial institutions.
- 1998 Objectives: Evaluate moral obligation enhancement for private entities.

##### Education & Communication

To promote the understanding and utilization of the Authority financing programs.

- 1996 Objectives: Maintain contact with all eligible facilities, lenders, financing team members, governmental officials, and associates of health care capital financing.

- Sponsor HFMA and MHA conferences and seminars.
- Present the Authority programs at HFMA and MHA conferences.
- Prepare and publish the Authority program reports.
- 1997 Objectives: Prepare and publish educational/informational articles for the HFMA, MHA and NCHFA newsletters
- 1998 Objectives: Host the 1998 Spring NCHFA Conference.

#### Administration & Management

To guarantee that the required fiscal and personnel resources are developed, retained and enhanced in order to create, implement, and monitor the optimum delivery of services to the Authority's clients.

- 1996 Objectives: Recommend to the executive and legislative branch the budget and personnel requirements to meet the client's needs.
  - Recommend to the executive and legislative branch the management options necessary to most effectively deliver capital financing services to the customers
  - Recommend legislative proposals which respond to the changing needs of the health care industry and customers.
  - Develop and promote education and training opportunities for Authority personnel and board members.
  - Promote visibility and coordination with state agencies.
- 1997 Objectives: Examine the fee structure for all the Authority programs.
  - Examine the investment policies for the Authority's funds.
  - Develop and maintain a bond issue data base.
  - Conduct three trustee audits.
- 1998 Objectives: Examine the physical environmental requirements for the Authority's programs.

#### National Education & Advocacy

To provide resources for the advancement of tax-exempt financing on a national level.

- 1996 Objectives: Provide leadership in the national association.
  - Provide objective recommendations to the executive and legislative branches of the federal government.
- 1997 Objectives: Assist in the development of strategic plans for the national association.
- 1998 Objectives: Volunteer assistance to other national associations seeking information about tax-exempt health care financing.

#### **MISSION STATEMENT:**

To develop and manage statewide financing programs which provide alternate and less expensive methods of financing to non-profit private and public health care institutions which will promote affordable access and the availability of quality health care at the lowest possible cost.

#### **MT SCIENCE AND TECHNOLOGY ALLIANCE AUTHORIZATION:**

Title 90-3-101 - 901, MCA	The Montana Science and Technology Financing Act, provides for establishment of, and guidelines for making loans from the Seed Capital Investment and the Research and Development Fund and a grant to McLaughlin Research Institute from the medical facilities research project account.
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#### **GOALS AND OBJECTIVES.**

In order to fulfill its mission the MT Science and Technology Alliance is committed to achieving the following goals and objectives

##### Seed Capital Financing Program

- The Montana Science and Technology Alliance administers a seed capital program to assist in the development of entrepreneurial Montana businesses. MSTA has authority to invest \$12.5 million of the Permanent Coal Tax Trust in venture capital partnerships and in companies at the seed, start-up, and expansion stages of development. Alliance funds are matched on at least a dollar-for-dollar basis with non-state appropriated sources. MSTA manages the Seed Capital Investment Program in a fashion similar to a private venture capital fund. Financing usually involves unsecured risk but also includes mechanisms to achieve a substantial return on investment. MSTA's seed capital investments have resulted in long term benefits to the Montana economy through the creation and retention of jobs, an increase in tax revenues, and have begun to return principal and interest to the Permanent Coal Tax Trust Fund.

##### Research and Development Financing Program

- The goal of the research and development program is to assist in the accelerated development of technology and technology transfer between the university system and industry in the state by providing a source of funds to researchers and research organizations in Montana. The Alliance's research and development fund finances Montana University projects that have

outstanding technological and commercial potential for the future of the state. The Alliance funds are matched on at least a dollar-for-dollar basis with non-state appropriated sources. Currently, the total capital invested is \$11.1 million. Recent MSTA financing agreements require at least a two-and-one-half times return on investment.

MSTA's Seed Capital Financing Program and the Research and Development Financing Program have been self-funding through returns on investments since fiscal year 1994. Both programs have returned principal and interest to the Permanent Coal Tax Trust Fund and the Alliance projects increasing returns through the next biennium and beyond.

#### **MISSION STATEMENT:**

To realize a return on investment by contributing to Montana economic development through capital formation, financing business development, and technology research and development, with the goal of commercialization.

#### **HOUSING DIVISION AUTHORIZATION:**

Title 2-15-1814, MCA	Creation, allocation, and composition of quasi-judicial Board of Housing.
Title 90-1-106, MCA	Functions of Department of Commerce - Housing.
Title 90-6-101 - 127, MCA	The Housing Act of 1975 established the Montana Board of Housing, and defined its purpose and authority.
Title 90-6-501 - 507, MCA	The Reverse Annuity Mortgage Loan Act established a Reverse Annuity Loan Program within the Montana Board of Housing.
24 CFR 92	Code of Federal Regulations Home Program Authorization.
24 CFR 91	Code of Federal Regulations Consolidated Plan Authorization.
24 CFR 5, 792, 813, 887, 982, 984	Code of Federal Regulations Section 8 Housing Authorization.
Governor's Executive Order 27-81	Authorization of Section 8 Housing.

#### **GOALS AND OBJECTIVES:**

In order to fulfill its mission the Housing Division is committed to achieving the following goals and objectives:

- Expand coordination of housing activities within the Housing Division, and with other housing providers, both private and governmental, to ensure maximum possible high quality development and maintenance of housing stock within the state, while minimizing use of resources and duplication of services.
- Continue and expand involvement of Housing Division personnel in the Housing Coordinating Team, an interagency group meeting to discuss issues related to housing and coordination of programs.

##### Board of Housing:

- Automate functions to improve operational efficiency and decrease need for additional staff. Continue to look at new ways of operating to improve efficiency and timeliness.
- Manage the assets of the Board in the most effective manner to enhance the ability to provide housing finance for lower income Montanans. Use any program earnings to "recycle" into new mortgages or call bonds.
- Continuously review programs to determine if they are meeting the needs of the population they are intended to serve. Continue to change program requirements based on current conditions.
- Increase education and outreach to the citizens of Montana and the Board's customers and servicers through public appearances, workshops, print media, and other means as appropriate.
- Develop and implement creative methods of financing multifamily rental housing, including continued operation of the Risk-Sharing program in partnership with the Department of Housing and Urban Development.
- Pursue a General Obligation rating from national rating agencies, which will reduce the Board's reliance on federal sources of credit enhancement for single family and multifamily loans.

##### Home/Consolidated Plan:

- Continue to simplify and streamline annual updates of the HUD required state Consolidated Plan, facilitating continued federal participation and enhancing usability of the plan for the average citizen.
- Continue restructuring and streamlining HOME Program grant application and administration policies and procedures to expand program accessibility for Montana's cities, towns, counties, and community housing development organizations (CHDOs).
- Continuously improve HOME project screening, technical assistance efforts, and project monitoring to ensure that high quality, long lasting affordable housing investments are made in Montana.

##### Section 8 Housing:

- Continue to provide and improve high quality Section 8 Housing Program services using contracted local field agencies to provide local contact for landlords and tenants enrolled in MDOC Section 8 Housing programs.

- Expand comprehensive centralized field agent training sessions to ensure field agent competency in all matters related to Section 8 Programs, and address problems associated with service delivery.
- Expand field review of local field agent operations to better monitor performance and to provide additional on-site training for field agents related to programmatic requirements, including inspections of rental units occupied by Section 8 tenants.
- Expand marketing of the Family Self Sufficiency Program to local field agents to entice them to make more FSS services available to clients on a full statewide basis, enabling more low-income clients to become independent of government assistance

#### MISSION STATEMENT:

To provide mechanisms which enable Montanans to own or rent decent, safe, and sanitary housing which is within their financial capability.

#### BOARD OF INVESTMENTS AUTHORIZATION:

Article VIII, Section 13, Montana Constitution	Creates Unified Investment Program.
Title 2-15-1808, MCA	Creates Quasi-Judicial Board to Manage Investment Program.
Title 2-15-124, MCA	Describes Powers/Duties of Quasi-Judicial Boards.
Title 17-1-113, MCA	Authorizes Securities Lending.
Title 17, Chapter 5, Part 15, MCA	Authorizes Issuance of Economic Development Bonds
Title 17, Chapter 5, Part 16, MCA	Authorizes INTERCAP Bond Program.
Title 17, Chapter 6, Part 1, MCA	Deposit of Public Funds - State Treasurer/Board.
Title 17, Chapter 6, Part 2, MCA	Assigns Investment Program Management to Board.
Title 17, Chapter 6, Part 3, MCA	In-State Investment Program - Permanent Coal Tax Trust

#### GOALS AND OBJECTIVES:

Investment Programs - State law requires that the Board prudently invest all state funds and that investments be audited annually. To the extent permitted by constitution and law, the Board diversifies invested assets and adopts investment policies and objectives for each portfolio. Investment performance is calculated by the state's custodial bank.

- Long Term Fixed-Income Portfolios - Achieve total, time-weighted rates of return exceeding the Salomon Brothers Broad Investment Grade Index and/or Lehman Aggregate Index over any five-year rolling period.
- Intermediate Term Fixed-Income Portfolios - Achieve total, time-weighted rates of return exceeding the Lehman Government/Corporate Intermediate Term Index over any five-year rolling period.
- Five Year or Less Fixed-Income Portfolios - Achieve total, time-weighted rates of return exceeding the Lehman Brothers 1-2 year Treasury Index, or the Lehman Government Corporate 1-5 Year Custom Index (depending upon the portfolio's permitted investments) over any five-year rolling period.
- Common Stock Portfolios - Achieve total, time-weighted rates of return exceeding the Standard & Poor's 500 Index over any five-year rolling period
- Convertible Bonds/Preferred Stock Portfolios - Achieve total, time-weighted rates of return exceeding the Merrill Lynch All Traditional Convertibles Index over any five-year rolling period
- Short Term Investments - Achieve total, time-weighted rates of return at least 105 percent of the 91 day US Treasury Bill Benchmark over any 12-month rolling period
- In-State Investments - Prudently invest up to 25 percent of the Permanent Coal Tax Trust in-state to encourage economic development.

Bond Programs - State law authorizes the Board to issue bonds for various purposes. The most widely-used program is the INTERCAP Program through which bond proceeds are lent to eligible state/local government units.

- INTERCAP Program - The Board operates this program in an user-friendly, efficient manner to facilitate access to the program and reduce the borrowing costs of eligible government units

#### MISSION STATEMENT:

It is the mission of the Board of Investments to prudently manage the Unified Investment Program created by the Montana Constitution

#### MONTANA LOTTERY AUTHORIZATION:

Title 23, Chapter 7, MCA	Establishes authority for the Montana Lottery and the State Lottery Commission
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#### GOALS AND OBJECTIVES:

Promote all lottery products.

- Develop annual and long term marketing plans.
- Maintain public trust.
- Continually review industry trends in improving security of games and systems.
- Enhance and revitalize the Lottery's image.
- Conduct research for the purpose of education and game design.
- Analyze operating efficiencies.
- Review alternative solutions to providing services and the related costs.

**MISSION STATEMENT:**

To maintain public trust by conducting an efficient and effective operation to maximize revenue flow to the State as mandated by Section 23-7-202(3), MCA.

**BOARD OF HORSE RACING AUTHORIZATION:**

Title 2-15-1881, MCA	Establishes the Board of Horse Racing.
Title 2-15-121, MCA	Allocation for Administrative Purposes Only.
Title 23-4-104, MCA	Duties of the Board.
Title 23-4-105, MCA	Authority of Board.
Title 23-4-202, MCA	Penalty for Violations of Law - Authority of Board of Judicial Review.
Title 23-4-203, MCA	Race Meets - When Lawful.
Title 23-4-204, MCA	Race Exclusively for Montana-Bred Horses - Bonus for Winner.
Title 23-4-304, MCA	Gross Receipts - Department's Percentage - Collection and Allocation.

**GOALS AND OBJECTIVES:**

- To monitor and regulate the horse racing industry in Montana; to allow the racing industry, both live and simulcast, to grow and perform at a level which would be beneficial to all racing interests in the State of Montana while at the same time providing and promoting public confidence. Economic impacts include Montana's agricultural sector, county fairgrounds, and the communities (lodging, meals, supplies, feed, etc.) in which race meets are held.

**MISSION STATEMENT:**

To ensure the integrity of the state's horse racing industry, both live and simulcast, through customer oriented regulation and monitoring of compliance with the Montana State Board of Horse Racing Laws and Rules.

**CONSUMER AFFAIRS OFFICE AUTHORIZATION:**

Title 30-14-Part 1, MCA	Consumer Protection Act. To prevent unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce.
Title 30-14-Part 2, MCA	Unfair Trade Practices Generally. To safeguard the public against the creation or perpetuation of monopolies and foster and encourage competition by prohibiting unfair and discriminatory practices by which fair and honest competition is destroyed or prevented.
Title 30-14, Part 5, MCA	Personal Solicitation Sales Act. To afford consumers subjected to high pressure personal solicitation sales tactics a cooling-off period.
Title 61, Chapter 4, Part 5, MCA	New Motor Vehicle Warranties. To provide Montana consumers who purchase new motor vehicles with a remedy and process to resolve warranty problems.
Title 20, Chapter 30, Part 2, MCA	Administration of Post-Secondary Educational Institutions.

**GOALS AND OBJECTIVES:**

- To efficiently investigate all consumer complaints within 30 days.
- To obtain recovery on the behalf of Montana consumers either through refund or the providing of services or goods purchased by the consumer in 70% of the complaints filed with the Office.
- To enforce provisions of the consumer protection laws and regulation laws in eliminating unfair or deceptive business practices.
- To educate Montana consumers to make sound decisions in business transactions by distributing consumer brochures, press releases and television and radio interviews.
- To make consumer fraud and protection presentations to Montana consumer groups, senior citizens, students, and businesses across the state.
- To immediately notify Montana consumers, via the media, about deceptive businesses or scams that are operating in the state.

- To provide efficient and thorough legal review of automobile manufacturer dispute resolution processes to assure compliance with the Montana New Motor Vehicle Warranty Act
- To protect the citizens of Montana from fraudulent or substandard postsecondary proprietary schools by prohibiting the use of false or misleading literature, advertising, or representations made by the school or its designated agents.

#### **MISSION STATEMENT:**

To provide Montana citizens with protection and education against harmful and unfair practices by businesses, individuals or associations

#### **DIRECTOR/MANAGEMENT SERVICES AUTHORIZATION:**

Title 2-15-104, MCA	Structure of the Executive Branch.
Title 2-15-112, MCA	Duties and Powers of Department Heads.
Title 2-15-121, MCA	Allocation for Administrative Purposes.
Title 2, Chapter 15, Part 18, MCA	Department of Commerce.
Title 2-15-3015, MCA	Agriculture Development Council - Director as Member.
Title 2, Chapter 17, MCA	Property and Systems Development and Management.
Title 2, Chapter 18, MCA	State Employee Classification, Compensation, and Benefits.
Title 17-1-102, MCA	Uniform Accounting System and Expenditure Control.
Title 17, Chapter 2, MCA	Accounting.
Title 17, Chapter 3, MCA	Federal Revenues and Endowments
Title 17, Chapter 6, MCA	Deposits and Investments.
Title 17, Chapter 7, MCA	Budgeting and Appropriations.
Title 17, Chapter 8, MCA	Disbursement and Expenditure.
Title 18, Chapter 4, MCA	Montana Procurement Act.
Title 18, Chapter 8, MCA	Procurement of Services
Title 37, Chapter 1, Part 1, MCA	Duties and Authority of Department, Director, and Boards.
Title 90, Chapter 1, Part 1, MCA	Planning and Economic Development.
42 USC §12101	Americans with Disabilities Act of 1990.

#### **GOALS AND OBJECTIVES:**

##### Director's Office

- The Director's Office provides executive, administrative, legal and policy guidance to the department programs in a manner which is consistent with state statutes, administrative rules, and the Governor's direction.
- Serves as liaison between private business, local governments, administratively attached boards, public and private interest groups, the Legislature, and Indian tribes in an effort to improve and stabilize the economic climate in Montana
- The Director's Office and Management Services analyze, with program managers, the statutory, administrative, and programmatic objectives of their programs in order to develop performance measures which maximize the benefits of the services provided to the citizens of Montana while minimizing the resources required to achieve those objectives

##### Management Services

- Provide a quality internal organizational and support structure for the department's programs that recognizes the importance of satisfying customer needs while assuring the legislature, the public, and management that the department conforms to all applicable laws and policies.
- Management Services and the Director's Office analyze, with program managers, the statutory, administrative, and programmatic objectives of their programs in order to develop performance measures which maximize the benefits of the services provided to the citizens of Montana while minimizing the resources required to achieve those objectives
- Survey and consult with the division's customers regarding the quality of services rendered by the Management Services Division with an objective of increasing customer satisfaction by 5% per year
- Analyze, develop, and implement work processes within the department that support further program efficiency and effectiveness.
- Empower Management Services staff to remedy problems at the earliest point
- Eliminate any outdated and unnecessary rules and regulations that may impede customer service
- Advocate to management the development of systems, policies, and procedures that reduce the amount of paperwork necessary to meet customer needs

##### Accounting & Fiscal:

Provide accounting functions to all divisions, bureaus, and programs in accordance with generally accepted accounting principles and in compliance with state and federal laws and regulations

- Assist programs in understanding the accounting for their programs and in managing the financial area of their program
- Provide training for department staff in the utilization of accounting reports
- Maintain the Information Control Core (ICC) for department programs
- Prepare department financial statements, federal financial reports, and internal reconciliations

- Supervise the preparation of audit responses.
  - Process payments to all vendors in a timely fashion.
  - Record receipts and deposit department revenue in a timely fashion.
  - Bill for services rendered or goods provided.
  - In accordance with state and federal regulations, prepare a federal indirect cost proposal.
- Develop and implement policies and procedures for the procurement and inventorying equipment and the purchase of goods and services.
- In accordance with state regulations and department policies, provide contract monitoring function for department.
  - In accordance with state regulations and department policies, develop and implement policies and procedures for the procurement and inventorying of equipment and the purchase of goods and services.
  - Provide purchasing assistance and training to appropriate personnel.
  - Record the acquisition, disposal, and transfer of all departmental major equipment items.

#### Budgeting:

Coordinate the preparation and submission of the biennial budget request and the annual budget allocation and assist management in monitoring budgets for compliance with state and federal mandates and legislative intent.

- Analyze, prepare and submit the department's biennial budget request in accordance with state law.
- Plan and direct the allocation of the department's budget in accordance with legislative intent as defined by OBPP and LFA.
- Monthly analysis of all operational plans and departmental budgets to ensure compliance with state statutes and legislative intent.
- Provide budgetary training to program managers, departmental staff, and administratively attached boards and programs as requested.

#### Data Processing:

Provide departmental data processing support for mainframe and local area network computer systems.

- Develop and maintain all mainframe computer systems and connections in accordance with standards established by the Department of Administration, Information Services Division.
- Acquire, configure, install, and repair as needed all local area network hardware and software systems.
- Provide responsive and reliable daily operational support for the local area networks located within the Department of Commerce, including location, diagnosis, and correction of operational errors.
- Acquire new or replace obsolete data processing equipment and provide training to users throughout the department.
- Promote the compatibility of data processing systems which meet the current and long term needs of the Department of Commerce.

#### Personnel:

Provide a comprehensive service oriented human resource management system for the department in accordance with state and federal laws and regulations which enhances productivity, quality, and service.

- Develop, implement, and maintain effective and efficient personnel policies and procedures.
- Maintain an effective and efficient position classification and employee compensation system.
- Administer the department's biweekly payroll system.
- Administer the department's leave policies and the department's Group Insurance Benefits System consistently and fairly.
- Provide an appropriate system to resolve employee conflict and grievances at the lowest level possible.
- Assure effective and efficient use of department's human resources through proper organizational analysis, proper assignment of work, effective recruitment and selection, effective performance evaluation, and proper training and technical assistance.
- Administer an effective department Incentive Awards System.
- Administer an appropriate Employee Protection Program for employee's who have been laid off.

#### **MISSION STATEMENT:**

To effectively and efficiently assist department staff in the enhancement of the department's mission of economic and community development, customer oriented business regulation, and setting the visionary direction in which the Department of Commerce chooses to do business.

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## **Department of Labor & Industry**

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#### **JOB SERVICE DIVISION AUTHORIZATIONS:**

P. L. 91-596	Occupational Safety and Health Act
P. L. 97-300	The Wagner Peyser Act of 1937
P. L. 100-323	Employment Opportunities for Veterans
P. L. 101-649	Immigration Act
18-2-402, MCA	Prevailing Wage Rate Law
39-51-404, MCA	Employment Security Account Tax
P. L. 97-300, as amended	Job Training Partnership Act



39-6-101, MCA  
39-7-601, MCA  
Title III and IX  
90-14-101 thru 109, MCA

Apprenticeship Act of 1941  
State Displaced Homemaker Law  
Social Security and Federal Unemployment Tax Acts  
Montana Community Services Act

#### **GOALS AND OBJECTIVES:**

To provide all Montanans with access to a labor exchange system which assists job seekers in finding employment, assists employers in filling jobs; facilitates the match between job seekers and employers; participates in a job match system between states; and provides employment opportunities to individuals receiving unemployment insurance. (US)

- A minimum 60 percent of the job seekers placed will be into long term employment (jobs lasting more than six months) during each year of the biennium.
- Increase the number of individuals that obtain employment, by five percent a year during the biennium, as a result of using automated systems that allow self-initiated job search for local, state, and national job opportunities.
- Measure the number of people working and those seeking work and report the results monthly to the public.
- Publish monthly, quarterly, annual, and selected special reports on specific characteristics of Montana's labor force.

Promote the best employment and training programs which result in long-term self-sufficiency through coordination of education, occupational skill development, and increase employment. (US)

- Implement locally designed one stop career centers by June 30, 1999, which will provide information on employment, training, and labor market information to Montanans.
- The workforce Preparation Coordinating Council shall produce clear, measurable benchmarks, through an inclusive process, for all workforce preparation systems, including employment and training, by June 30, 1998.

#### **UNEMPLOYMENT INSURANCE DIVISION AUTHORIZATION:**

39-51-101 to 39-51-3206, MCA  
Title III and IX

Unemployment Insurance Program  
Social Security Act and Federal Unemployment Tax

#### **GOALS AND OBJECTIVES:**

Improve customer service to employers and workers by exploring and/or implementing ways to streamline service delivery systems or by identifying and removing barriers to the delivery of quality service. (MT and US)

- Streamline and simplify wage-based employer reporting and related functions by harmonizing wage and employment definitions and consolidating UI Tax functions with the Department of Revenue, Income and Miscellaneous Tax Division by July 1, 1999.
- Implement a telephone-based claims taking system statewide by December 31, 1997, which will provide a more convenient approach to claims taking while maintaining the high quality of personal service that claimants expect
- Perform a comprehensive review, during the 1998-99 biennium, of the laws, rules, and policies applied in the administration of unemployment insurance benefits in Montana, with simplification, clarity, and assurance of timely, fair, and consistent decisions as the ultimate objective.

Improve the information infrastructure of the Unemployment Insurance Program to enhance the efficiency and cost-effectiveness of providing required services to claimants and employers (MT and US)

- Implement telephone-based claims taking statewide by December 31, 1997, with a document management system that allows access to necessary claim information by the central office staff and customer service representatives in remote telephone-based claim taking centers.
- Develop a new UI benefits system or rewrite the existing system during the 1998-99 biennium with an implementation by June 30, 1999 (dependent upon a strategic automation plan to be completed in fiscal 1997 and funding approval in 1997)

Ensure that the Unemployment Insurance Program exceeds the minimum federal requirements for timeliness and quality service. (MT and US)

- A minimum of 92 percent of intrastate first benefit payments will be made to claimants within 14 days of the first compensable week ending date. (Federal standard is 87 percent.)
- Montana will exceed 55 percent recovery of regular UI fraudulent overpayments (Federal standard is 55 percent)
- Develop a state Quality Service Plan which will implement an integrated system for measuring performance and ensuring continuous program improvement through regular feedback, monitoring, and analysis by December 31, 1997.
- Implement a quarterly process to assess the quality of nonmonetary benefit adjudications based on the application of a standard review instrument to a sample of adjudications.
- Achieve federal Revenue Quality Control standards for accuracy, timeliness, and completeness in the UI tax-related functions in each annual review.

#### **LEGAL/CENTRALIZED SERVICES DIVISION AUTHORIZATIONS:**

Federal  
40 USC Sec. 276a, et seq

Federal Davis-Bacon Act

40 USC Sec. 351, et seq.  
 29 USC Sec. 201, et seq.  
 29 USC Sec. 259, et seq.  
 29 USC Sec. 1001, et seq.  
 11 USC Sec. 1001, et seq.  
 29 USC Sec. 151, et seq.  
 29 USC Sec. 141, et seq.  
  
 29 USC Sec. 49, et seq.  
 29 USC Sec. 1501, et seq.

Service Contract Act  
 Fair Labor Standards Act  
 Portal to Portal Act  
 Employee Retirement Income Security Act (ERISA)  
 Federal Bankruptcy Code  
 National Labor Relations Act  
 Labor Management Relations Act; Federal EEO Acts; Civil Rights Act; and Federal Unemployment Insurance  
 Wagner-Peyser Act (Federal Employment Service)  
 Job Training Partnership Act

#### State

2-4-101, MCA  
 2-15-104, MCA  
 2-15-112, MCA  
 2-15-121, MCA  
 2-18, MCA

17-1-102, MCA  
 17-7, MCA  
 17-8, MCA  
 18-2-401, MCA  
 Title 39, MCA  
 39-2-101, MCA  
 39-3-101, MCA  
 39-3-401, MCA  
 39-3-701, MCA  
 39-6-601, MCA  
 39-7-101, MCA  
 39-8-101, MCA  
 39-9-101, MCA  
 39-31-101, MCA  
 39-51-101, MCA  
 39-71-101, MCA  
 39-72-101, MCA  
 50-71-101, MCA  
 50-72-101, MCA  
 50-73-101, MCA

Montana Administrative Procedures Act  
 Structure of the Executive Branch  
 Duties and Powers of Department Heads  
 Allocation of Administrative Purposes  
 State Employee Classification; Payroll; Travel, Meals, and Lodging  
 Uniform Accounting System and Expenditure Control  
 Budgeting and Appropriations  
 Disbursement and Expenditure  
 Montana's Little Davis-Bacon Act  
 Montana's Labor Laws  
 Employment and Labor Laws  
 Wage and Hour Laws  
 Minimum Wage and Overtime Act  
 Contractor Bonding Act  
 Apprenticeship  
 Displaced Homemakers Act  
 Professional Employer Organizations Act  
 Contractor Registration Act  
 Collective Bargaining for Public Employees  
 Unemployment Insurance Laws  
 Workers' Compensation Laws  
 Occupational Disease Act  
 Montana Safety Act  
 Metallic/Nonmetallic Safety Act  
 Montana Coal Mining Act

#### **GOALS AND OBJECTIVES:**

To assist the Department of Labor and Industry accomplish its mission by providing legal, financial, human resource, dispute resolution, and automated services. (MT)

- Create opportunities and flexibility to respond to changing funding environments for the 1999 biennium.
- Enable the department to be a model employer by identifying best practices and implementing them in the department in fiscal 1998 and fiscal 1999.
- Implement the results of the fiscal 1997 study of central service work processes that ensure the delivery of quality services to the department programs by the end of fiscal 1998.

#### **EMPLOYMENT RELATIONS DIVISION AUTHORIZATIONS:**

39-1-102, MCA  
 39-3-201 to 306, MCA  
 39-3-401 to 409, MCA  
 39-3-606, MCA  
 39-3-701, MCA, et. seq.  
 39-8-101, MCA, et. seq.  
 39-9-101, MCA, et. seq.  
 2-15-1705 & 39-31-101 to 409, MCA  
 39-71-203, MCA  
 39-71-501 to 519, MCA  
 39-71-901 to 913, MCA

Department Authority  
 Wage Payment and Collection Act  
 Minimum Wage and Overtime Compensation  
 Power to Discharge Surety  
 Contractor Bonding Act  
 Professional Employer Organizations Act  
 Contractor Registration Act  
 Board of Personnel Appeals  
 Department Authority  
 Uninsured Employers Fund  
 Subsequent Injury Fund

39-71-1501, MCA  
 39-73-101 to 111, MCA  
 50-71-101, MCA  
 50-72-101, MCA  
 50-73-101, MCA  
 18-2-402, MCA

Montana Safety Culture Act  
 Silicosis Program  
 Montana Safety Act  
 Metallic/Nonmetallic Safety Law  
 Montana Coal Mining Code  
 Prevailing Wage Rate Law

## GOALS AND OBJECTIVES:

To facilitate the safety and economic security of employers and workers in Montana. (MT)

- Provide education, training, and technical assistance about workplace and mine safety, workers' compensation regulation, safety culture, Subsequent Injury Fund, independent contractor exemptions, and contractor registration.
- Increase access to information for medical community, insurers, adjusters, employers and workers.
- Conduct timely data management, dispute resolution and settlements, inspections and consultations, applications and renewals, and independent contractor determinations.
- Provide a forum for the prevention and resolution of workplace disputes.

The goal of the wage and hour unit is to provide a forum for the prevention and resolution of work place disputes involving wages and their payment. (MT)

- For the biennium wage and hour compliance specialists will improve by two percent each year the percentage of determinations issued within 55 days of receipt of the wage complaint.
- For fiscal 1998 and fiscal 1999 the wage and hour unit will provide a minimum of 40 presentations each year to employer and employee groups.
- For the biennium the wage and hour unit will demonstrate through survey mechanisms that public presentations assist at least 80 percent of the employers attending in the prevention of wage payment problems.
- For fiscal 1998 and fiscal 1999 the wage and hour unit will resolve 90 percent of cases filed in the fiscal year without need of an administrative hearing.

## HUMAN RIGHTS COMMISSION AUTHORIZATIONS:

2-15-1706, MCA  
 Title 49, Chapter 2, MCA  
 Title 49, Chapter 3, MCA  
 42 USC § 2000e-5(b)  
 42 USC §§ 3610(f) and 3616

Establishes HRC  
 Montana Human Rights Act  
 Code Of Fair Practices  
 Title VII, Civil Rights Act Of 1964, As Amended  
 Federal Fair Housing Act

## GOALS AND OBJECTIVES:

Maintain the current system of enforcing Montana's laws prohibiting discrimination by providing a forum for resolution and adjudication of complaints of unlawful discrimination. (MT and US)

- Address complaints of discrimination filed with the Commission in a timely manner
- Achieve measures designed to eliminate discrimination identified in Commission investigations and hearings.

## WORKERS' COMPENSATION COURT AUTHORIZATIONS:

2-5-1707, MCA  
 39-71-101, MCA  
 39-72-101, MCA

Office Of Workers' Compensation Judge  
 Workers' Compensation Act  
 Occupational Disease Act

## GOALS AND OBJECTIVES:

Provide fair, prompt, courteous and consistent treatment of all those who appear before the court and issue concise, accurate, consistent, understandable, well reasoned and researched decisions, thereby increasing predictability and decreasing the need for litigation (MT)

- Continue to bench rule in appropriate cases, thus expediting decisions
- Reduce the mean time between trial and decision to 30 to 45 days, and issue all decisions within 90 days of trial or submission
- Encourage the use of settlement conferences to settle and narrow issues
- Maintain existing computer programs to track cases and to expedite filing and record keeping

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## Department of Military Affairs

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### OPERATIONS SUPPORT DIVISION AUTHORIZATIONS:

Article 1, Section 8 of the U.S. Constitution  
Article VI, Section 13  
Montana Constitution  
2-15-1201, 1204, and 1205, MCA

Militia

Establishes Department of Military Affairs, defines the qualifications of the Adjutant General and Assistant Adjutant Generals, and establishes the Board of Veterans' Affairs

Title 10, MCA

Defines the powers and duties of the Department of Military Affairs.

### GOALS AND OBJECTIVES:

#### Readiness:

Manage, coordinate and direct resources of the department to ensure preparedness level of the Air and Army Montana National Guard and Disaster and Emergency Services to perform the required missions at the federal and state level. (1 - MT and US)

- To provide operational support in the areas of accounting, budgeting, contracting, purchasing, inventory control, and personnel from the state perspective to augment the goals and missions of the Air and Army Guard, Disaster and Emergency Services, and Veterans Affairs so these programs can focus on readiness and customer service. (1 - MT)
- To aggressively pursue procedures and policies to ensure that functions are performed in accordance with federal contracts and state law. (2 - MT)
- To foster effective communication with the federal side of the department for better understanding and effectiveness in providing services to the users. (3- MT)

#### Civil Emergencies:

Provide a highly trained community-based capability that responds to the needs of civil authorities in natural and man-made disasters. (1 - MT and US)

- Provide trained personnel for administrative support required when an emergency or disaster is declared by the Governor or President of the United States. (1 - MT and US)
- Coordinate efforts between guard personnel and the state to ensure efficiency and effectiveness from the support area. (2 - MT)
- Provide communications with the Office of Budget and Program Planning (OBPP) on spending authority and personnel needs relating to the emergency. (3 - MT)

#### Equal Opportunity:

Guarantee each man and woman equal opportunity for entry and advancement in the department in an environment free from discrimination, bias, and sexual harassment. (1 - MT and US)

- To sustain equal employment opportunities within the department through departmental policies and procedures beginning with recruitment and selection all the way through performance appraisal. (1 - MT)
- Promote adequate training for all employees at all levels of responsibility. (3 - MT)
- Aggressively enforce the department's Affirmative Action Plan. (1 - MT)

#### Environment:

Aggressively pursue a proactive stance towards environmental compliance through identifying and correcting deficiencies and by developing environmental protection measures. (1 - MT and US)

- Provide on-going support for the Environmental Program in the areas of accounting, budgeting, and personnel.

### ARMY NATIONAL GUARD PROGRAM AUTHORIZATIONS:

Article I, Section 8 U.S. Constitution,  
Clause 12

Clauses 15-16

Clause 18

10 U.S.C.A. 1 et. el

32 U.S.C.A. 1 et. el

Article VI, Section 13 Montana Constitution

Article III, Section 2 Montana Constitution

10-1-109, MCA

2-15-1204, MCA

Army Clause

Militia Clause

Necessary and Proper Clause

Armed Forces

National Guard

Militia

Allows the department to lease real property for armories or other military facilities

Establishes the Disaster and Emergency Services Division

10-3-101, MCA	Provides for cooperation in disaster and emergency prevention, preparedness, response and recovery
42 U.S.C. 6901, et seq.	RCRA, UST
42 U.S.C. 4321, et seq.	NEPA
75-10-401, et seq., MCA	IIW Management
75-1-101, et seq., MCA	MEPA
75-11-201, et seq., MCA	UST
10-1-102, MCA	Defines the powers and duties of the department.
10-1-107, MCA	Establishes that all property issued to organizations and members of the organized militia remains public property.
10-1-108, MCA	Allows counties, cities, or towns to convey or lease property, or provide funds to build an armory.

## **GOALS AND OBJECTIVES:**

### Federal:

Sustain a highly trained and ready force that meets wartime operational, logistical, and personnel standards. (1 - MT and US)

- Maintain local armories to conduct training, perform maintenance activities on equipment, and provide storage of United States military property. (1 - MT)
- Utilize local training areas (private, federal and state land) to conduct military training. (2 - MT)
- Maintain state employees to manage the existing buildings and training areas. (3 - MT)

### State:

Provide a highly trained community-based capability that responds rapidly to the needs of civil authorities in natural and man-made disasters. (1 - MT and US)

- Maintain necessary federal equipment in a constant state of readiness for use in local emergencies and disasters. (1 - MT and US)
- Devote a portion of federally funded training towards the accomplishment of state contingency missions. (2 - MT and US)
- Update, review, and exercise State Emergency Operations planning. (3 - MT and US)

### Environmental:

To develop, implement, and oversee a comprehensive environmental compliance program for the Montana National Guard. (1 - MT and US).

- To provide written guidance that outlines responsibilities, policies, and procedures regarding hazardous waste/materials, field training activities, and other programs that may impact the environment. (1 - MT).
- To train and educate guard personnel regarding environmental programs and awareness. (3 - MT)
- Conduct internal assessment and assistance visits; liaison with sister agencies, negotiate with regulatory agencies; conduct public meetings, and research products, pollution prevention equipment and innovative technologies in support of Army Guard programs.

### Facilities:

To provide the resources to plan, develop, maintain and efficiently operate the facilities required to support the readiness training and missions of the Montana National Guard.

- Sustain an effective and efficient communications system for all units of the Montana National Guard and provide emergency back-up communications system. (1 - MT)
- Provide local communities with emergency shelter in the event of natural or man made disasters. (1 - MT)
- Provide for the maintenance of existing facilities through contracted services, state employees, and federal assistance (2 - MT)
- Conduct effective management for the heating, cooling, and lighting of existing facilities. (2 - MT)
- Preserve facilities for functional utilization in the future and to protect existing resources. (3 - MT)
- Provide local communities with support and access to buildings. (3 - MT)

## **AIR NATIONAL GUARD PROGRAM AUTHORIZATIONS**

Article I, Section 8 U.S.  
 Constitution Clauses 15-16  
 Clause 18  
 10 U.S.C.A. 1 et. cl  
 32 U.S.C.A. 1 et. cl  
 42 USA 4321, et seq.  
 42 U.S.C. 6901, et seq.  
 Article VI, Section 13  
 Montana Constitution

Militia Clause  
 Necessary and Proper Clause  
 Armed Forces  
 National Guard  
 NEPA  
 RCRA, UST  
  
 Militia

Article III, Section 2  
Montana Constitution

2-15-1204, MCA

10-1-102, MCA

10-1-107, MCA

10-1-108, MCA

10-1-109, MCA

10-3-101, MCA

75-1-101, MCA

75-10-401, MCA

75-11-210, MCA

Establishes the Disaster and Emergency Services Division.

Defines the powers and duties of the department.

Establishes that all property issued to organizations and members of the organized militia remains public property.

Allows counties, cities, or towns to convey or lease property, or provide funds to build an armory.

Allows the department to lease real property for armories or other military facilities.

Provides for cooperation in disaster and emergency prevention, preparedness, response and recovery.

Montana Environmental Policy Act.

Montana Hazardous Waste and Underground Storage Tank Act.

Establishes that an installer must have a valid license before installing or closing an underground storage tank.

**GOALS AND OBJECTIVES:**

Readiness:

Sustain a highly trained and ready force that meets wartime operational, logistical, and personnel standards. (1 - MT and US)

Federal:

- Maintain 24-hour per day fighter aircraft alert to intercept, and, if necessary, destroy any airborne threat to the United States or allied nation. (1 - MT)
- Continually train to maintain a state of readiness to, at any time, be prepared to deploy anywhere in the world, within hours of notification, to perform the assigned air defense mission. (1 - MT)
- Maintain facilities necessary to support, protect, and maintain approximately \$600 million worth of highly sophisticated aircraft and associated support equipment to enable mission readiness and accomplishment. (1 - MT)

State:

- Devote a portion of federally funded training/missions towards the accomplishment of state missions (i.e. \$1.5 million in drug interdiction missions in federal 1992). (1 - MT)
- Update, review, and exercise state emergency operations planning. (2 - MT)
- Maintain assigned federal equipment in a constant state of readiness for use in local emergencies and disasters. (1 - MT)

Facilities:

To provide the resources to maintain and efficiently operate the facilities required to support the readiness training and missions of the Montana Air National Guard. (1 - MT and US)

- Ensure facilities are in a state of repair and adequately environmentally controlled to allow for two-shift maintenance of assigned equipment to ensure ability to perform mission tasking. (1 - MT)
- Ensure adequate crash fire and snow removal capability exists to meet established federal restrictions to enable the ability to perform flying mission. (2 - MT)
- Sustain an effective and efficient communications system. (3 - MT)

Environmental:

To develop, implement, and oversee a comprehensive environmental compliance program for the Montana Air National Guard. (1 - MT and US)

- To provide written guidance that outlines responsibilities, policies, and procedures regarding hazardous waste/materials, field training activities, and other programs that may impact the environment. (1 - MT)
- To train and educate guard personnel regarding environmental programs and awareness. (2 - MT)
- To obtain necessary federal funding to construct facilities, when applicable, to abate environmentally disturbing characteristics associated with; jet aircraft maintenance (i.e. construction of a "Hush-House" to eliminate jet engine noise while ground testing aircraft engines). (3 - MT)

**DISASTER COORDINATION RESPONSE AUTHORIZATIONS:**

Title 10, Chapter 3, MCA

2-15-3308, MCA

20-7-1101, MCA

Disaster and Emergency Services

Drought Advisory Committee

Earthquake Emergency Procedures

Federal Civil Defense Act 1950, as amended, 50 U.S.C. App. 2251 et seq

Disaster Relief Act 1974, 42 U.S.C. 5121, et. seq

## GOALS AND OBJECTIVES:

Be responsible to the Governor for carrying out planning for disaster and emergency services in the state of Montana.

- Review and update State Emergency Operations yearly.
- Review county plans yearly and assist local governments with planning issues and training.
- Conduct statewide training and assist local government with training and exercising of Emergency Operation Plans.
- Improve mutual aid capabilities within state and secure interstate agreements with adjacent states and provinces.
- Work with federal agencies to make known Montana's emergency service needs and secure all-risk operating agreements

## VETERANS AFFAIRS PROGRAM AUTHORIZATIONS:

Title 38 U.S.C.	
2-15-1205, MCA	Board of Veterans' Affairs created.
10-2-101, MCA	Board of Veterans' Affairs definitions.
10-2-102, MCA	Duty of board - employee qualifications.
10-2-601, MCA	State veterans' cemetery.

## GOALS AND OBJECTIVES:

### General Operations:

To enable every eligible veteran or veteran's family to receive their vested veterans' benefits. (1 - MT and US)

- Provide professional customer service capable and willing to respond to all veteran administrative benefit needs. (1 - MT)
- Maximize the number and dollars of veteran entitlement in Montana. (2 - MT)
- To make every veteran and veteran's family knowledgeable about all entitlement and where to go to receive veterans benefits support. (3 - MT)

To reduce the number of veterans on general assistance by replacing that assistance with veterans benefits. (2 - MT and US)

- Replace applicable Montana general fund assistance aid with federal veterans benefits. (2 - MT)

### Cemetery:

Maintain the cemetery grounds so they reflect the respect for the veterans who have served this country. (3 - MT)

- Plan for and utilize the necessary resources to maintain the cemetery in the best condition possible. (3 - MT)
- Maximize revenue from the sale of veterans license plates for support to the Veterans' Cemetery at Fort Harrison. (2 - MT)

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# Department of Public Health & Human Services

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## CHILD AND FAMILY SERVICES AUTHORIZATIONS:

Title 41, Chapter 3, MCA	Child Abuse, Neglect and Dependency statute which charges PHHS with the primary responsibility of providing child protective services and outlines the legal procedures PHHS must follow to obtain the court's sanction of its activities. This chapter also authorizes PHHS to issue conditions for and licenses to youth care facilities
Title 53, Chapter 2, MCA	Statute governs administration of public assistance programs by PHHS, establishes county department of public assistance, provides for state assumption of county departments, and authorizes participation in the federal food stamp program
Title 53, Chapter 4, Title 2 MCA	PHHS is authorized to administer an Aid to Families with Dependent Children program.
41-4-101 et. seq., MCA	Interstate Placement of Children states that Montana will cooperate with other states in interstate placements
52-2-111 et. seq., MCA	Charges PHHS with the responsibility for strengthening child welfare services, enforcing all laws pertaining to children, supervising the importation and exportation of children

Section 53-4-501 through 53-4-510, MCA

53-4-601 to 53-4-720, MCA  
P.L. 96-272

Sections 472, 474 (a), 475 (1), and 477 of Title IV-E of the Social Security Act; 45 CFR Part 92, ACYF-PI-90-16, issued January 12, 1990; ACYF-PI-90-16, issued October 2, 1990.

Title IV-E: Social Security Act

42 U.S.C. 5101 et. seq., 45 CFR part 1340

25 USC 1901 et. seq. Indian Child Welfare Act:

42 USC 5101 et. seq.; P.L. 100-294, as amended by 102-295

The Victims of Crime Act of 1984, as amended, ACYF-PI-92-08

42 USC 470 et. seq.

P.L. 93-66 Sections 212 and PL 93-233: Amendments to federal Social Security Act 52-1-104, MCA

Title IV-E and Title IV-B of Social Security Act (PL 96-272)

53-6-101 et. seq., MCA; 42 USC 1396d.

41-3-1103, MCA

Title IV-B of the Social Security Act, Subpart 2. Omnibus Budget Reconciliation Act of 1993.  
52-2-701 et. seq, MCA

The Subsidized Adoption Act of 1977 authorizes the department to establish, administer and regulate a continuing program of subsidized adoption.

Establishes FAIM (Families Achieving Independence in Montana) program Adoption and Child Welfare Act of 1980 outlines major safeguards and protection required for children in foster care.

The IV-E Independent Living Program was re-authorized by the Federal Budget Reconciliation Act passed by Congress in 1989.

Outlines federal requirements for the use of federal IV-E funds for foster care services.

Child Abuse Treatment and Prevention Act sets forth a "model act" for states to follow in providing for the protection of abused and neglected children.

Provides for procedures PHHS must follow in state court for child abuse, neglect and dependency cases involving Native American children.

Authorizes grant funds to states to improve prosecution in child abuse cases while reducing trauma to the child victim.

Allows distribution of funds to states for purposes of improving child abuse prosecution and related issues.

Federal Payments for Foster Care and Adoptive Assistance enables each state to provide foster care and adoptive assistance for children.

Authorizes states to supplement the Supplemental Security Income (SSI) payments program.

Department authorized to provide and set standards for supplementary payments. Authorizes PHHS to set standards for and make payments to eligible persons who are recipients of SSI.

Federal payments for foster care enables states to provide foster care payments for children.

The Montana Medicaid program is authorized to make payment for inpatient psychiatric services in a residential treatment facility.

Powers and duties of the department regarding youth residential services gives the department the authority to enter into contracts to provide services for youth in need of care, youth in need of supervision and delinquent youth.

Develops plan for Family Preservation and Support Services.

The Montana Child Care Act of 1989 designates the department as the lead state agency in day care issues and establishes a Governor's Child Care Advisory Council. The Act authorizes the department to accept federal funds to improve or promote child care services, implement licensing/registration standards, make payments for day care, and establish a child care resource and referral grant program for R&R services to local communities.

## **CITIZEN PARTICIPATION**

**State Family Services Advisory Council**  
52-1-202, MCA

Provides for the composition, terms, and goals of the state council.

**Local Family Services Advisory Councils**  
52-1-203, MCA

Provides for the composition and establishment of local advisory councils.

**Child Care Advisory Council**  
52-2-705, MCA

Provides for the composition, terms, and goals of the Child Care Advisory Council.

52-2-721, MCA

States that no person, group or corporation shall establish or maintain a day care center for children unless licensed by PHHS.



P.L. 98-558; Federal Register, Volume 51, #81:

Child Care and Development Block Grant of 1990;  
45 CFR, Parts 98 and 99; Federal Register, Volume  
57, #150 (8/4/92, final rules)  
52-6-101 et. seq., MCA

Federal Register vol. 57 No. 32, (Feb. 18, 1992):

The HHS Reauthorization Act of 1984 authorizes the allocation of funds to states based on population to meet the goals of the Dependent Care grant.

Authorizes the allocation of funds to states based on population to increase the availability, affordability and quality of child care by means of grants and contracts within the state.

Establishes battered spouses grant programs within the department for the allocation of federal grant money to local battered spouses (domestic violence) programs.

Family Violence Prevention and Services

The Family Violence Prevention and Services Act, Title III of Pub. L. 98-457, as re-authorized and amended by Pub. L. 102-295, Title III of the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992.

P.L. 96-212, The Refugee Act of 1980, with 1982 and 1986 amendments  
CFR Title 45, Part 400, Refugee Resettlement Program

## **GOALS AND OBJECTIVES:**

The overall goal of the division is to support families strengths and to promote self sufficiency and a safe, healthy environment for children.

- Protect children by supporting family and community strengths.
- Promote and help foster family self-sufficiency and responsibility.
- Work cooperatively with communities and interested persons in the design and delivery of services.
- Streamline management and encourage decision-making at the "closest" point to the consumer.
- Support community efforts to prevent long-term impacts of poverty.
- Respond within the appropriate time frame to all reports of abuse, neglect or exploitation of children.
- Reunite the child with his or her family as soon as a treatment plan has been successfully completed or, if treatment is not effective, carry out another permanent plan for the child.
- Ensure that children and youth are placed in the most appropriate, least restrictive setting as possible.
- Provide permanent, adoptive homes to children unable to return to the homes of their birth parents.
- Prevent mistreatment or neglect of dependent, aged or handicapped persons through mandating a level of care which meets those groups' needs by inspecting and licensing day care, foster homes and youth care facilities.
- Meet the requirements of the Interstate Compact on the Placement of Children.
- Develop a continuum of services in partnership with community organizations that will increase the capacities of at-risk families to nurture their children in healthy environments by providing parents with the knowledge, skills and support they need to do so.
- Increasingly shift the focus of service delivery toward serving family units holistically with family preservation as the primary goal of service, while protecting the best interests of children and adults.
- Assist Montana communities in developing effective prevention programs.
- Coordinate day care programs and establish licensing standards within the state in order to maximize the use of federal and state child care funds in serving Montana families.
- Expand role in protecting persons from domestic violence through continued services and special projects.
- Provide social services and case management services that assist refugees in effectively resettling in Montana communities.
- Work cooperatively with other divisions and agencies to reduce the use of inpatient psychiatric care and increase and improve the system of community-based services, in an affordable manner, to children and youth with serious emotional disturbances.
- As resources will allow, continue to create, expand and fund family-based, preservation services through Medicaid and a variety of other funding sources.
- Treat indigent youth, adjudicated by youth court, who have chemical related dependencies of a nature that require residential settings for treatment.
- Ensure prompt and accurate processing of payments to foster care and other service providers, and ensure that payments are processed according to state and federal regulations.
- Provide timely, accurate accounting and administrative information to assist CFS staff in monitoring budgets and to provide reliable information about department activities.
- Increase the amount of federal funding and parental contributions to pay for out-of-home placements.

## **DPHHS DIRECTOR'S OFFICE AUTHORIZATION:**

2-15-112, 2-15-2201, and 53-2-201, MCA

## **GOALS AND OBJECTIVES:**

- Provide overall policy direction, legal services and personnel support to the department divisions.

## **CHILD SUPPORT ENFORCEMENT DIVISION AUTHORIZATION:**

Title 40, Chapter 5, Part 2, MCA.

Federal government mandate - Title IV-D of the 1988 Social Security Act, and 45 CFR, Chapter 3.

### **GOALS AND OBJECTIVES:**

The CSED is a pilot program for Performance-based Budgeting under Section 10 of the General Appropriations Act of 1995. The budget was developed for five major functional outcome goals that best serve the mission of the program. Semi-annual status reports will be made with explanations for significant variances to the OBPP.

Goal 1 Establish paternity for 90% of IV-D cases

Objective : To decrease the percentage of IV-D cases needing establishment of paternity by 2% each year.

Goal 2 Establish financial and medical support orders for 75% of IV-D cases

Objective : To decrease the percentage of IV-D cases needing orders for financial support by 3% each year.

Goal 3 Collect financial and medical support from both parents for 45% of IV-D cases

Objective a: To increase the percentage of cases with collections by 5% a year

Objective b: To increase the percentage of IV-D cases where health insurance coverage is obtained after being ordered

Goal 4 To decrease the time for updating support orders to 3 months

Goal 5 To make the process more efficient and responsive

## **HEALTH POLICY AND SERVICES DIVISION AUTHORIZATION:**

Public health is administered at both the state and local level through public health agencies, pursuant to statutory authority in Title 50, MCA.

The Medicaid Program is a voluntary state/federal partnership to provide and finance these services to the aged, blind, disabled or poor. Statutory authority for the program is provided in Title 53, Chapter 6, MCA and Title XIX of the Social Security Act (42 USC. 1396, et Seq.).

### **GOALS AND OBJECTIVES:**

**Financial, Operations, and Support Services Bureau:** Hospital Services Section, Financial Services Section, and MMIS and Computer Support Section

Mission: To assure that necessary medical care is available to all low income Montanans eligible for Medicaid and to provide financial, technical, and operational support to Public Health and Medicaid functions in the Health Policy and Services Division.

The Bureau will:

- Update and revise policy and reimbursement systems for inpatient and outpatient hospital services to: a) assure continued access to services for Medicaid recipients; b) ensure that reimbursement is equitable and appropriate to encourage economy and efficiency; and c) involve the providers and their representatives in the processes. Modify the Administrative Rules of Montana to reflect policy and reimbursement changes and file revised State Plans as required.
- Analyze and revise the payment methodology for Federally Qualified Health Centers (FQHCs), including all necessary changes to the Administrative Rules of Montana and the State Plan.
- Analyze and revise the payment methodology for Ambulatory Surgical Centers (ASCs), including all necessary changes to the Administrative Rules of Montana and the State Plan.
- Accurately complete all cost settlements in a timely manner.
- Issue a Request for Proposals (RFP) and award a contract for continued Utilization Review activities which are deemed to be cost effective.
- Issue a Request for Proposals (RFP) and award a contract for DRG Validation.
- Maintain open and effective communications with providers, provider associations and the public.
- Provide budget and analytical support to Medicaid and Public Health programs of this division.
- Establish and operate new MMIS by July 1, 1997.
- Assure the accounting, budgeting, and reporting of Medicaid financial information is reliable and available to management, staff, and other users on a timely basis.

**Medicaid Services Bureau:** Acute Care Section, Managed Care Section.

Mission: To assure that necessary medical care is available to all low income Montanans eligible for Medicaid.

The Bureau will:

- Develop and implement quality assurance standards that elevate the standard of care for Medicaid clients.
- Maximize enrollment in managed care arrangements.
- Identify and develop Medicaid reimbursement to refinance public health core functions and other medical services provided by the Department.
- Develop alternative reimbursement strategies to take advantage of volume discounts for equipment and supplies such as Hearing aids.
- Review and revise, if necessary, coverage and reimbursement for Orthotics, Prosthetics, Oxygen related services and other Durable Medical Equipment and supplies.
- Replace current fee for services reimbursement with resource based relative system for providers who use Health care Common Procedural Coding Systems codes.
- Maximize Drug Rebate collections from manufacturers to collect all disputes over three years old and maintain a total receivable balance of less than 5 percent of total invoices.
- Promote paperless claims submission and payment systems to attain a 5 percent reduction in the submission rate of paper claims each year.

#### **Health Systems Bureau:**

**Mission:** To assure assessment and analysis of health conditions, provide assistance to communities in setting priorities, promotion of healthy behavior, and to create efficient systems and healthy public policy in support of customer health needs.

The Bureau will:

- Develop and implement a public health system improvement process that supports capacity standards and training.
- Expand healthy and safe communities through diverse partnerships.
- Develop a comprehensive state health plan to address major health issues.
- Establish core capacity to analyze and interpret major health information through a marketing plan.
- Enhance public health's role in managed care.
- Provide a knowledge base for decision making on health and lifestyle using technology and mass media.
- Demonstrate outcomes and accountability for bureau programs.

**Chronic Disease Prevention and Health Promotion Section:** The Section's goal is to assure Montanans are motivated to take actions that prevent premature lifestyle diseases by promoting community involvement in health, safety and quality of life pursuits.

The objectives of the section are to:

- Reduce the adult/youth smoking rates in Montana to no more than 15 percent by year 2000;
- Reduce the use of smokeless tobacco among adult males aged 18 and over to no more than 10 percent by year 2000;
- Reduce the use of smokeless tobacco among youth aged 15-18 to no more than 12% by year 2000.
- Increase years of healthy life for Montanans with diabetes to at least 65 years;
- Reduce diabetes-related deaths to no more than 34 per 100,000 people;
- Reduce the incidence of diabetes to no more than 2.5 per 1,000 people and prevalence to no more than 25 per 1,000 people.
- Increase the percentage of Montana women over age 50 years who receive annual mammograms to 70%;
- Annually screen 4500 older Montana women currently not receiving services due to cost;
- Improve access to, and quality of, breast and cervical cancer screening services;
- Develop lung, colo-rectal and prostate cancer plans.
- Increase to least 50 percent the proportion of Montanans meeting the recommendation for fruit and vegetable consumption.
- Assist and enable local communities throughout Montana to improve their overall health and safety.
- Assess community health promotion and education needs of the state and implement programs to meet population-based health needs statewide;
- Establish community health promotion programs that address at least three of the Healthy People 2000 priorities, reaching at least 40 percent of Montana's population; and
- Advance the educational base of community health professionals and citizen groups regarding population-based health promotion and planning strategies.

**Health Assessment & Resource Development Section:** The Section's goal is to protect, promote and enhance health for the benefit of Montana citizens by seeking rational growth of health services through a process supported by public input, by serving as a resource to others in assessing community needs through providing access to data and data evaluation; and by enhancing access to and maintaining effectiveness of primary care services to select Montana populations.

The objectives are to:

- Assure access to care through a balanced and equitable distribution of services statewide.
- Assure development in a manner that does not inflate cost of care or compromise the quality of care;
- Provide a forum for community input in decisions affecting the health care delivery system.

- Publish a State Health Plan that delineates a need for particular health care services;
- Maintain a database of information on health care facilities and health care service utilization;
- Administer the End Stage Renal Disease program which provides some financial assistance to Montanans with kidney disease;
- Provide assistance in securing federal and other grant funds;
- Provide research and statistical data for program planning to health facilities, other agencies, researchers and other interested parties;
- Refine the process of needs assessment and resource development through the utilization of data;
- Plan, develop and provide services to address needs for primary care access for Montana citizens, especially special populations;
- Maintain liaison with federally funded programs such as the Primary Care Association, Community Health Centers, Migrant Health Centers, Rural Health Clinics, Federally Qualified Health Centers, Indian Health Services, the Office of Rural Health, and the Area Health Education Center;
- Plan, develop and provide services to address retention, recruitment and clinical effectiveness of primary care health professionals;
- Participate in statewide initiatives to address health professional shortages in rural and frontier counties;
- Provide assistance to communities in determining Health Professional Shortage Area designations; and
- Provide information on the impact of managed care, particularly its affect in primary care settings.

**Emergency Medical Services Section:** The Section's goal is to assure the public health and safety of Montana citizens and visitors by licensing pre-hospital emergency medical services through inspections and via complaint investigation, management and resolution.

The objectives are to :

- Assure high quality emergency medical services and training through annual certification program;
- Provide training, annually, to emergency medical services training coordinators, new medical directors physicians and nurses;
- To assure the availability of a comprehensive statewide system which provides good emergency medical care to Montana citizens and visitors, technical assistance as well as films and training aids are provided to local areas;
- Provide for implementation of the unprotected exposure laws for EMS providers;
- Continue to provide an efficient, automated system for collecting trauma register patient care information from an increased number of Montana hospitals;
- Continue development and implementation of the emergency medical services data collection, automation and continuing education program;
- Establish a state-wide injury prevention and control program.

#### **Communicable Disease Control and Prevention Bureau:**

**Mission:** To promote and protect the public health and safety of all Montanans through disease control, injury prevention, intervention, education and regulation.

**Food And Consumer Safety Section:** Protect human health through sanitary inspections and enforcement of regulations in establishments by direct and contracted inspections performed by local health agencies for food purveyors, jails, institutions, public accommodations, public swimming pools, schools, and trailer & rv courts/campgrounds.

The objectives are :

- To protect human health through sanitary inspections or educational staff training of child day care centers and group homes;
- To insure safety of the Montana food supply by product process and label review and preventing from sale or distribution unsafe, misbranded or adulterated product by direct industry service, support of local health agency staff, recalls or embargoes;
- To investigate all suspected food borne illness or injuries caused by or associated with foods, drugs or cosmetics;
- To provide training and education to licensed and regulated establishment staff and to county sanitarians by providing seminars, consultation, and educational materials;

**Epidemiology Section:** Reduce morbidity and mortality due to preventable and controllable communicable diseases.

The objectives are to :

- maintain a passive surveillance system;
- assist local health jurisdictions in establishing active surveillance systems;
- analyze data about preventable treatable communicable diseases collected via the surveillance system;
- detect and document recognized public health crises;
- Provide technical assistance to local health jurisdictions; and
- Review and update disease outbreak response protocols.

#### Tuberculosis

- Provide overall TB planning and policy on a statewide basis;
- Identify and adequately treat all persons with TB disease to cure the patient and eliminate further transmission;

- Find and evaluate all persons who have been in contact with TB cases to determine their TB status, and treat when appropriate;
- Screen high-risk individuals or groups to identify candidates for preventive therapy, thus preventing new active cases of TB from developing;
- Ensure state-of-the-art laboratory methods are available within the state for TB diagnosis
- Maintain a TB surveillance system and provide data analysis;
- Provide training and education and consultation to local health jurisdictions and practitioners;

**STD/HIV Section:** Ensure that priority prevention needs are determined based on epidemiologic profile, needs assessment, past intervention effectiveness, and community sources of information.

The objectives are to :

- Increase by 10 percent the number of people reporting high risk behaviors as defined in the Standards of Care who receive counseling and testing at HIV Prevention Sites;
- Increase by 10 percent, from the baseline, the number of people returning for post-test counseling at the HPS;
- Increase by 5 percent, from the baseline, the usage of the Montana AIDS Hotline over the level in 1996;
- Provide to sites, statewide planning group members, and CDC, evaluation results on each of the impact and process objectives of the HIV Prevention Grant;
- Increase the number of professionals and peers who work with high risk populations who have received comprehensive HIV prevention training; and
- Increase the number of street and community outreach activities designed to provide prevention messages, information and other services to persons at high risk for HIV infection..

#### Ryan White Care Act

The objectives are to improve the quality, availability and organization of health care and support services for individuals and families with HIV infection, by:

- Providing effective HIV drug treatment therapies to eligible individuals in need;
- Providing financial assistance as necessary to maintain private health insurance coverage to individuals infected with HIV; and
- Providing support services through HIV CARE Consortia to individuals and families infected or affected by HIV.

#### STD Program

- By the year 1999, the incidence of early syphilis in Montana will be less than one case per 100,000 population and congenital syphilis will remain at zero cases per 100,000 live births.
- By the year 1999, the incidence of gonorrhea in Montana will be less than ten cases per 100,000 population, with no endemic drug resistant cases being reported.
- By the year 1999, the incidence of sexually transmitted chlamydia infections in Montana will be reduced to a rate of 170 cases per 100,000 population.
- By the year 1999, ensure that the majority of junior/senior high school students and health care providers in Montana are receiving adequate and timely STD education.
- Through 1999, provide public support for STD testing, treatment, education and partner notification at geographically located services throughout the state.

#### Sexual Assault Prevention:

- By the year 1999, reduce rape and attempted rape of women aged 12 and older to no more than 75 per 100,000 women in Montana.
- Cosponsor two conferences on the identification, intervention, and prevention of sexual assault in Montana designed for law enforcement officers, prosecutors and sexual assault crisis intervention workers.
- By 1999, ensure at least 50 percent of Montana's middle and senior high school population receives education on the prevention of sexual assault.
- Respond to the needs of persons sexually assaulted by providing 24-hour counseling services, support and advocacy during the investigation of the incident, counseling for readjustment to life after the assault and education on the prevention of sexual assault.

**Immunization Section:** Eliminate indigenous cases of vaccine preventable diseases including Diphtheria, Tetanus, Pertussis, Poliomyelitis, Haemophilus influenza type B, Measles, Mumps, and Rubella among Montana's children with appropriate use of vaccines

The objectives are to:

- Establish and maintain a vaccine-delivery system throughout Montana that improves and maintains high vaccine coverage levels; and
- Increase vaccination coverage levels of all recommended vaccines to at least 90 percent among two year old children by the year 2000.

#### **Family and Community Health Bureau:**

**Mission.** To promote the health and wellness of women, infants, children, adolescents and their families.

The Bureau maintains liaisons with the United States Department of Health and Human Services for federal Title V Maternal and Child Health, Title X Family Planning, and the Centers for Disease Control and Prevention, and with the United States Department of Agriculture for WIC, the Supplemental Nutrition Program and Women, Infants and Children. Goals and objectives are summarized below.

In partnership with state and local agencies and others within the state and its communities, the Family and Community Health Bureau will:

- assist local governmental entities in improving the health care and health status of mothers, infants and children;
- extend and increase the services of the Department to local health departments, public health nurses and school nurses who function in isolation and/or with minimal resources.
- provide qualified WIC participants with nutrition education and counseling, intervention, referral and follow-up to improve eating behaviors, reduce or eliminate nutritional problems, reduce the incidence of low birth weight babies, and increase the incidence and duration of breast-feeding;
- improve and maintain the reproductive health of Montana people through the detection and prevention of cancer and sexually transmitted diseases in women.
- prevent unplanned or unintended pregnancies, with a particular emphasis on prevention of teen pregnancy and the role of male partners.
- reduce the incidence of abortion by offering comprehensive family planning services to women at risk, with priority on low income families.
- improve pregnancy outcomes by correcting health problems between pregnancies and by proper spacing and timing of pregnancies.
- promote the development of systems of care for children with special health care needs (CSHCN) that are family centered, community based, comprehensive, coordinated, and culturally sensitive, and target Montana's children with special health care needs and their families through specialty clinics for children with cleft lip and palate, facial anomalies, cardiac conditions, and metabolic conditions, as well as referral to other specialty medical services such as juvenile rheumatoid arthritis and asthma;
- provide payment for recommended treatment for CSHCN who are not covered by Medicaid or other insurance.
- provide targeted home visiting and case management services to families of infants and children identified as "at risk" or having a special health care need.
- improve pregnancy outcomes by reducing the risk of preventable mortality, morbidity, and disability during the perinatal period (before conception through the infants's first year of life) by implementing local MIAMI projects (Montana's Initiative for the Abatement of Mortality in Infants) and providing case managed, coordinated care for high risk pregnant women.
- reduce infant mortality and the number of low birth weight births to Montana residents.
- eliminate barriers to prenatal care for Montana women.
- eliminate or modify environmental and other risks to pregnancy through education of the public about substances and practices which offer risks to the unborn infant.
- promote continued education on preventive maternal, infant and child health care practices for Montana health professionals.
- promote anticipatory guidance and health promotion/health supervision activities of infants.

#### **QUALITY ASSURANCE DIVISION AUTHORIZATIONS:**

42 U.S.C. 1818 and 42 U.S.C. 1919

45 U.S.C

50-5-101 through 50-5-232 MCA Part I and Part II

50-5-1101 through 50-5-1107 MCA

50-6- 106 MCA

2-15-112 and 53-2-201 MCA

53-2-501 MCA

#### **GOALS AND OBJECTIVES:**

- Update and clarify State health care licensure standards.
- Conduct health care facilities surveys.
- Assist new providers.
- Assure the public health and safety of Montana residents.
- Recertification of Medicare and Medicaid providers.
- Provide fair hearings for Medicaid providers and recipients.
- To recover over-payments from Medicaid providers and recipients.
- Timely Audit and review of AFDC, food stamp and Medicaid cases.
- Develop and implement department wide performance measure system.

## **OPERATIONS AND TECHNOLOGY DIVISION AUTHORIZATION:**

Operations and Technology is provided for in Title 17 and Title 40, MCA, and Title IV Social Security Act Section 406, PL 96-265. Duties include fiscal support for Supplemental Security Income (provided for under 45 CFR, Part 74, 45 CFR Subtitle A, Part 92 and Subpart C 92.20, OMB Circular A-87, and 17-2-101 and 17-2-102 MCA.), Legislative Audit as provided for in 5-13-101 MCA and 45 CFR Part 92.96, TEAMS as provided for in Title IV of the federal Social Security Act, Section 406 PL 96-265, and 45 CFR Parts 215.35-38, SEARCHS as provided for in 45 CFR 302.85 and the Family Support Act of 1988, PL 100-485, Vital Statistics as provided for in 50-15-101 through 50-15-407 MCA, and Laboratory Services as provided for in 50-1-202 MCA.

## **GOALS AND OBJECTIVES:**

- Oversight of the state's largest computer systems, TEAMS and SEARCHS, which provide statewide on-line processing of eligibility determination and the issuance of benefits, and child support collections and issuance to obligees.
- Provision of comprehensive technical Statewide Budgeting Systems support to the department.
- Performance of the fiscal services for the department, including entering accounting transactions, payroll processing, revenue collection, cash management, federal reporting, benefit distribution and cost allocation.
- Provision of Information Systems design, development and support of microcomputer applications for the department and the coordination of contracts to accomplish goals in a timely and cost-effective manner.
- Maintain voice and data information processing systems for the department, including support of microcomputers, local area networks and office locations.
- Provision of scientific services in support of national and state disease prevention and control programs through surveillance activities, outbreak investigations, consultation and training of local providers, and reference testing.
- Maintain a statewide system of vital statistics to improve the timeliness and completeness of the registration and reporting of births, deaths, fetal deaths, marriages, divorces and induced abortions in Montana by developing and implementing plans for imaging techniques to be applied to the preservation and retrieval of vital records.

## **DISABILITY SERVICES DIVISION AUTHORIZATION:**

The Vocational Rehabilitation Program is federally mandated in 29 U.S.C. 721, et seq., 29 U.S.C. 774, 29 U.S.C. 795, et seq., 29 U.S.C. 796, et seq., 29 U.S.C. 777b, 29 U.S.C. 2201, et seq., 29 U.S.C. 701, 53-2-11-I, MCA, and in Title 53, Chapter 7, MCA.

The Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) mandated by the federal government under Title II and XVI of the Social Security Act (42 U.S.C. Section 1300)

This Developmental Disabilities Program is federally mandated under 29 U.S.C. 721, et seq., and is provided for in 53-2-201(c), MCA

The Montana State Developmental Disabilities Planning and Advisory Council (DDPAC) is provided for in sections 53-20-206 and 2-15-2204, MCA. The program is federally mandated under Public Law 103-230.

The Montana Developmental Center (MDC), Title 53, chapter 20, MCA, details procedures and basic guidelines for care, treatment, and training.

Eastmont Human Services Center is authorized in section 53-20-502, MCA as an extension of the MDC.

## **GOALS AND OBJECTIVES:**

### Vocational Rehabilitation Program:

- Promote work and independence for Montanans with disabilities.
- Provide a variety of services to Montanans with disabilities to assist them in entering or maintaining employment.
- Provide independent living services to Montanans with severe disabilities to promote independence in their home, family and community.

### Disability Determination Services:

- Adjudicate disability claims for Montanans who are applying for Social Security Disability Insurance and or Supplemental Security Income.

### Developmental Disabilities Program:

- Assure opportunities for a good life with choices for each Montanan who is at risk of having or who has a developmental disability.
- Plan, implement, evaluate and strengthen systems that assure opportunities for a good life with choices for each Montanan who is at risk of having or has a developmental disability.
- Contract with private, not-for-profit corporations to provide an array of services to individuals with developmental disabilities

#### Developmental Disabilities Planning Advisory Council (DDPAC):

- Advise state agencies, the legislature, other agencies, councils, local government and private organizations regarding the implementation of both state and federal statutes concerning programs for services for persons with developmental disabilities.
- Improve the coordination and administration of programs serving persons with developmental disabilities.

#### Eastmont Human Services Center:

- Committed to develop and maintain an aggressive and continuous active treatment program which provides each resident the opportunity to maximize their potential and capabilities at home, at work and during leisure time.
- Committed to maintaining a safe and comfortable environment for staff to work in and one that approximates normal to the greatest degree possible for residents.

#### Montana Developmental Center:

- Continue to meet State of Montana standards for a residential facility and federal HCFA Conditions of Participation to ensure federal reimbursement to the State General Fund.
- Continue to provide optimal personal care when appropriate, treatment and education in a safe, healthful, and therapeutic environment to ensure that individual facility residents realize their potential and ultimately are discharged to an appropriate program or services in a community setting.

### **SENIOR AND LONG TERM CARE DIVISION AUTHORIZATIONS:**

#### **Aging Services**

52-3-201 et seq., MCA

Protection Services Act for Aged Persons or Disabled Adults. The Division is responsible for acting on requests for protective services for these populations.

52-3-501 et seq., MCA

Montana Older Americans Act creates the designation of Area Agencies and the State Office on Aging, development of State Plan on Aging, Ombudsman Services, etc.

52-3-801 et seq., MCA

Montana Elder and Developmentally Disabled Abuse Prevention Act, mandates that the division shall investigate reports of abuse, neglect or exploitation of these populations and, where appropriate, provide protective services.

P.L. 89-75

Federal Older Americans Act calls for a State Agency on Aging and for the development of a State Plan on Aging.

P.L. 99 -272 (Cobra)

Amendments to the Social Security Act.

Sections SS 1915 (g) (1)  
and (g) (2)

#### **State Supplement**

P.L. 93-66 Sections 212

Authorizes states to supplement the Supplemental Security Income (SSI) payments program.

P.L. 93-233;

Amendments to the  
Social Security Act

#### **Veterans' Homes**

10-2-401

Authorizes and establishes Montana Veterans' Homes.

53-1-202

Eastern Montana Veterans' Home.

#### **Medicaid**

Title 53, Chapter 6, MCA

Establishes and authorizes medicaid program.

Title 19, Social Security Act

42 USC 1396 et. seq.

### **GOALS AND OBJECTIVES:**

-Develop an internal quality assurance system for the Montana Veterans' Home;

-Eliminate the duplication between the Minimum Data Set and the Patient Abstract assessments in the nursing home reimbursement system;

-Achieve and maintain a 90 percent occupancy rate at the Eastern Montana Veterans' Home;

-Fully implement the Aging Client Tracking System (ACTS) in the Aging Services program;

-Maintain the percent of total nursing home bed days paid for by Medicaid at or below 62 percent;

-Increase our ability to provide the services and supports which enable people who require assistance in meeting their long term care needs to remain in their own homes when they want, and are able, to do so;

-Increase our ability to maintain people in personal care or assisted living facilities who are in danger of entering a Medicaid funded nursing home simply because their personal funds are no longer sufficient to pay for their care.

-Work with the Quality Assurance Division to ensure that the licensing and certification procedures for nursing homes and other Division programs and services are conducive to the best possible care for the patients we serve.



-Continue to educate the public about: long term care programs, services and issues in general ; the need for individuals to plan for their own long term care future; and, the changing demographic characteristics of the population which will make long term care and even bigger issue in the future.

#### **MENTAL HEALTH SYSTEM AUTHORIZATIONS:**

53-21-Part 1, MCA	Describes the process for admission to state mental health facilities; the rights of people with mental illness; and the treatment obligations in state facilities.
53-21-Part 2, MCA	Defines community mental health centers and describes the Department's role in establishing, maintaining and monitoring these services
53-21-Part 4, MCA	Defines the role and mission of the Montana Center for the Aged
53-21-Part 5, MCA	Restricts admission of minors to Montana State Hospital
53-21-Part 64, MCA	Defines the role and mission of the Montana State Hospital.
53-22-Part 1, MCA	Describes the components of the Department of Corrections and Human Services and the components necessary for alcohol and other drug abuse services.
Public Law 102-321	Federal requirements to receive federal funds and requirements for mental health planning.

#### **CHEMICAL DEPENDENCY AUTHORIZATIONS:**

53-1-202 MCA	Describes the components of the Department of Public Health and Human Services and the components necessary for alcohol and other drug abuse services.
53-24-24 MCA	Describes the powers and duties of the Department of Public Health and Human Services, regarding alcohol and other drug abuse.
61-8-714 MCA	Penalty for driving under the influence of alcohol or drug programs approved by the Department.
53-21-601 MCA	Describes the functions of the Montana Chemical Dependency Center
Part C, Title XIX	Describes the administration and regulations of the Substance Abuse Prevention and Treatment (SAPT) Block Grant.

#### **GOALS AND OBJECTIVES:**

- Implement an integrated and coordinated system of managed care for publicly-funded mental health services, the Mental Health Access Plan (MHAP).
  - To monitor and oversee the successful implementation efforts to ensure an orderly transition, contract compliance and quality delivery of services.
  - To transition the operation of MSH and MMHNCC to function within a managed care environment.
- To evaluate the feasibility of integrating the mental health managed care system (MHAP) with the alcohol and drug service system.
  - To provide analysis and planning with interested parties and affected stakeholders to study the potential of integrating alcohol and drug services into a managed care system.
- To develop an integrated management information and stakeholder information system that will enable improved service delivery through enhanced service analysis to all mental health and alcohol and drug clients.
- Provide community support in the design, development, implementation and evaluation of primary prevention programming.
  - To work with the Interagency Coordinating Council to promote collaboration among prevention programs and develop comprehensive, measurable prevention systems.
- To develop and implement programming at MCDC and elsewhere that is specifically targeted at adults and adolescents that suffer both from chemical dependency and mental illness
- To complete the MSH campus redesign project and transition patients and staff into the new facilities.

#### **INTERAGENCY COORDINATING COUNCIL FOR STATE PREVENTION PROGRAMS STATUTORY AUTHORIZATIONS:**

MCA 2-15-255

## GOALS AND OBJECTIVES:

### GOAL I

Develop a coordinated, comprehensive system of prevention services throughout Montana.

#### Objectives:

1. Continually update the benchmarks and related data to adequately represent the major needs and problems confronting children and families in our state.
  - Determine what the data tells us about trends in child and family well-being in Montana.
  - Determine whether family and children programs and services are working synergistically or at cross-purposes.
2. Find a "common ground" on values related to children and families.

A work group formed at the July strategic planning session facilitated by the National Resource Center for Youth Services recommended the identification of common values to guide our actions in prevention. The task force further proposed cost benefit research.
3. Develop a unified prevention plan for children and families.

Programs identified in the Unified Budget for Prevention would serve as the starting point for this activity.
4. Add members to the ICC.

The structure/membership of the ICC has changed with state reorganization. The Department of Labor was added to the statute and elements of the Departments of Social and Rehabilitation Services, Family Services, and Corrections synthesized into the new Department of Public Health and Human Services. The Director of the Department of Corrections is no longer included in the statute for the ICC but inclusion of juvenile delinquency and youth violence issues is crucial. The strategies identified in August of 1995 called for including Native American representation on the ICC. The benchmarks also identify the Commerce Department and Higher Education as important influences in the reduction of poverty, homelessness and hunger among Montana citizens.

#### Key Characteristics

Problems experienced by children, families and communities do not occur in isolation. Solutions to such problems must be long-term and global in focus. Research confirms that a single approach is not as effective in achieving or sustaining the level of success desired as an approach that incorporates multiple, comprehensive strategies.

Studies over the past two decades have tried to determine the origins and pathways of certain problem behaviors -- how the problem starts and how it progresses. Factors associated with greater potential for certain problem behaviors are called "risk" factors, and those factors which help people deal with risk factors are called "protective" factors. Prevention efforts must be designed to significantly enhance protective factors and reduce or reverse risk factors.

The study of risk and protective factors has identified five primary domains that can serve as principal sites for prevention activities: the individual, the family, the school, peer relationships, and the community. Effective prevention programs operate in and coordinate each of the five domains.

Many agencies in Montana state government are concerned about and responsible for promoting child and family well-being. Research indicates that obtaining the desired results for children and families is dependent upon services which are easily accessible, comprehensive, flexible, coordinated, individually tailored, community-based, and prevention-oriented. Such services can exist only if they are supported by mission, policy, financing, organization, accountability and systems at every level of government.

#### Accomplishments:

1. Interagency work group

A work group consisting of staff from all member agencies of the ICC has been meeting regularly over the past three years to activate the vision, goals and objectives of the ICC.
2. Prevention guidelines

Primary prevention guidelines have been developed and adopted. Those guidelines define terms for prevention strategies and for an evaluation process as well as identifying high risk groups.

3. **Benchmarks**  
The ICC has identified 23 prevention issues and has developed benchmarks for 20 of those issues. Data for the benchmarks has been gleaned from Montana data sources wherever possible. In some cases, national studies have been used to create a better understanding of the extent of the problem.
4. **VISTA Volunteer Grant**  
Through the Corporation for National Community Service, the Department of Public Health and Human Services was awarded the services of up to 21 VISTA volunteers to support ICC prevention activities throughout the state of Montana. The award is for the 1997 state fiscal year and may be renewed for the 1998 and 1999 fiscal years.
5. **Unified budget**  
The 1995 Legislature required the Department of Public Health and Human Services to prepare a unified budget for the prevention of child abuse and neglect prior to the 1997 legislative session. ICC issues and benchmarks served as the frame for this unified budget with prevention programs identified in all ICC member agencies. The unified budget was presented to the Legislative Oversight Committee for Children and Families on September 16, 1996 and to the Finance Committee on September 18, 1996. The unified budget will be published in the executive report from the Governor's Budget Office prior to the 1997 legislative session.
6. **National Resource Center for Youth Services -- Strategic Planning Session**  
On July 16 and 17, 1996, two facilitators from the National Resource Center for Youth Services facilitated a strategic planning session on youth services in Montana. All ICC member agencies, with the exception of Havre HELP, were represented at the strategic planning session. (Report of that session is attached.)

## GOAL 2

Create a regional system for prevention planning and service delivery.

Objectives:

1. **Improve avenues for community input to state-level policy, programming and funding decisions as well as identifying and removing those barriers which block such improvement.**  
  
Growing levels of poverty and economic decline coupled with reductions in federal spending have reduced finances for many human service programs at the same time that the demand for services has increased. In this era of reduced resources and increased needs, government services must be more efficient and effective. Determine how the state can effectively leverage resources against the needs; provide incentives to communities to plan and implement major reforms in children and family services; and target prevention efforts to urgent needs.
2. **Provide opportunities for education in cultural diversity.**
3. **Create a standard process for community prevention planning.**  
The strategic planning session facilitated by the National Resource Center for Youth Services can serve as a springboard for facilitating similar state and community planning sessions. In addition, the state must assist communities in: a) assessing risk and protective factors specific to their locale; and b) building their capacity to institute sound prevention practices which have been proven effective for children and family health and well-being.

### Key characteristics

#### Regional versus centralized delivery

The myriad of social and health problems that exist in Montana communities cannot be solved without viable partnerships between state agencies and local communities. The ICC emphasizes the importance of working with local community groups (schools, law enforcement, business, parents and families) in developing programs that work within that community.

Across the nation, the movement to improve services to children and families parallels the movement to "rethink" government. In Montana, we must assure that achieving greater managerial efficiency and performance in government complements the goals of children and family services reforms.

This shift from centralized to local service delivery requires that Montana commit adequate resources to developing and supporting communities' abilities to create appropriate prevention strategies and programs.

#### Accomplishments:

1. **Demonstration project funded**  
The ICC initiated a Request for Proposal for a prevention demonstration project. Missoula County was approved by the ICC to initiate their Beyond Violence: Towards a Healthy Community Project. Funding for this project was provided by the Department of Public Health and Human Services – Addictive and Mental Disorders Division and by the Montana Board of Crime Control.
2. **Identification of program/funding by county**  
In an attempt to determine where the state or federally funded prevention programs are located in Montana, work has begun to identify program, amount of funding and contact person by county. This information will be helpful in developing and/or strengthening community coalitions and in developing community prevention plans.
3. **Placement of community volunteers**  
An RFP was sent to over 400 recipients to inform communities of the opportunity to place one or more VISTA volunteers in the community to mobilize volunteers and coordinate their activities in prevention-related activities. Communities will be selected in October and 18 VISTA volunteers will be placed in February of 1997. Prior to placement of the VISTA's, site supervisors will be identified and trained.
4. **Strategic planning session -- National Resource Center for Youth Services**  
The strategic planning session in Helena on July 16 and 17 identified the need for the ICC to: define services which can be provided to communities through the Prevention Resource Center and prevention program staff; to engage selected communities in protracted mobilization planning and implementation to institutionalize coordinated service delivery; and identify technological options for disseminating prevention-related information to communities.

Subsequent to the strategic planning session held in Helena, a second strategic planning session was held in Great Falls specific to the Cascade County community. Their action plan included: collaborating with the University of Montana so that student volunteers would gather information on community services and needed agency training; organize a community-wide planning and funding initiative; assess community commitment to youth services through a county-wide survey; and activate community volunteers for prevention-oriented services.

#### GOAL 3

Build the capacity of the centralized Prevention Resource Center.

##### Objectives:

1. Define the services which will be provided by the PRC and how such services will be delivered.
2. Determine the relationship of the PRC to the Montana University system and existing community programs.
3. Provide research and evaluation information on prevention issues.  
In order to provide information on the latest prevention-based research and to disseminate such information to the communities, the PRC must make use of technological tools. Through Internet connections, cutting-edge information can be tapped from government agencies, national institutes and national associations -- information which relates to the prevention issues and benchmarks established in Montana.
4. Coordinate prevention oriented training so that communities are better served and fiscal resources are maximized.

##### Key Characteristics

##### Functions of Prevention Resource Center

The ICC established a Prevention Resource Center (PRC) in July of 1996. The PRC is attached to the Department of Public Health and Human Services for administrative purposes. The functions of the PRC include:

- Promoting the concept of prevention
- Training and technical assistance
- Research
- Evaluation

##### Need for research-based programs

There is a need to conduct formal research on effective prevention programs and strategies, identifying those programs which produce the best outcomes and the best practices which are most effective in rural communities. For the past eight years, the Center for Substance Abuse Prevention has been commissioning studies across the country to determine the successful elements of prevention programs. The PRC would assist communities in identifying those programs and strategies that would be most

appropriate for their residents. Through excellent program design and execution, we will be assured of initiatives which have a high likelihood of success.

#### The importance of evaluation

Evaluation standards for federal funding are evolving to the point where rigorous evaluation requirements for prevention programs will be the norm. For this reason, provision of professional evaluation services will be an important sub-function of the PRC.

#### Accomplishments:

1. **Established Prevention Resource Center**  
The ICC has established a Prevention Resource Center (PRC) which is attached to the Department of Public Health and Human Services for administrative purposes. A coordinator for the PRC was hired in late July of 1996 and three VISTA volunteers have been placed on the project.
2. **MSU Extension Service Partnership**  
The MSU Extension Service is providing 25% of the funding for the Prevention Resource Center Coordinator position. This involvement provides a rich opportunity for coordinating state prevention efforts with county extension agents.
3. **VISTA Volunteer Grant**  
The services of VISTA volunteers in the Prevention Resource Center and in the communities afford the opportunity to deliver a full array of prevention-oriented services at the community level. The goal is to effectively redeploy community volunteers and keep the momentum going after the VISTA's terms of service have ended.

#### GOAL 4

Build public support for the concept of prevention.

##### Objectives:

1. Promote the concept of prevention and best practices in delivering prevention services.
2. Encourage ownership in prevention by Montana communities.

##### Key Characteristics

Build public support for the concept of prevention.

An effective prevention strategy demands that policy makers and the general public understand and support the concept of prevention. Risk-focused research shows that communities must promote clear standards of behavior for children and youth if young people are to develop pro-social conduct. These standards must be clearly stated to children and be strictly enforced by parents, schools and law enforcement. Without strong support from local residents, it will be impossible to promote pro-social standards regarding teenage sexual conduct, drug use and school performance.

People tend to support what they help create. If the local community is actively involved in working with the state agencies in formulating and implementing prevention programs, those programs are more likely to succeed. Furthermore, successful prevention strategies require parents, law enforcement, business, health care, media, and schools working together to implement programs.

#### Accomplishments:

1. **Definitions of terms**  
The ICC has defined "prevention" and well as some other key concepts such as risk, resiliency and domains.
2. **Placement of VISTA volunteers in communities**  
Those communities that responded to the RFP for a VISTA volunteer must determine their greatest prevention needs, how a VISTA volunteer could be supported and placed within the community, and the end result they hope to obtain. Site supervisors and VISTA volunteers will be trained on prevention concepts and best practice and the PRC will provide on-going training and technical assistance to assist the communities in developing their own resources.

#### GOAL 5

Provide adequate funding for ICC prevention initiatives.

#### Objectives:

1. Develop prevention education for legislators and legislative staff.
2. Develop a budget and funding plan for the Prevention Resource Center.

#### Key Characteristics

The "balanced approach" demands that resources be divided equitable between prevention, intervention and treatment. Currently, prevention efforts represent a very small proportion of the programmatic costs for children and family services. While trying to provide more money for prevention initiatives, thereby reducing the over-all impact of crisis management, the state is caught in the difficult situation of adding dollars to one sphere while keeping the other two spheres at nearly full capacity. In the short term, prevention efforts may increase costs. In the long term, such efforts are the crucial ingredient in containing and reducing overall expenditures.

To achieve the balanced approach, long-term prevention strategies must be developed in addition to short-term solutions. ICC member agencies can model interagency collaboration through: blended funding for programs and services whenever feasible; commitments to fund the Prevention Resource Center and related activities; and developing strategies to administer proposed block grants and/or other reforms in a progressive manner.

#### Accomplishments:

1. The Legislative Oversight Committee on Children and Families has been kept apprised of prevention initiatives, best practices, evaluation techniques and funding.  
Several ICC members and work group representatives have had the opportunity to present information to this Committee.
2. Unified budget  
The unified budget has identified prevention programs which fit the ICC benchmarks and sources and amount of funding for each program.
3. Blended funding for demonstration project  
The ICC demonstration project in Missoula received funding from two ICC member agencies.

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## Federal Mandates

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SB 167, Chapter 385, *Laws of 1995*, requires that state programs meet the requirements of federal statutes in good faith and with a critical view toward any federal regulations, guidelines, or policies, with due consideration of the financial restraints of local governments, the citizens of Montana, and the state, including the limitation imposed by Article III, section 9 of the Montana Constitution.

The act also requires each state agency that is charged with implementing federal mandates to begin providing information regarding the cost of the federal mandates. The table which follows is a significant step in identifying the most costly and burdensome federal mandates to the State of Montana. There are many others not listed due to lack of research resources.

A few of the most costly mandates already have been repealed as a result of the federal Unfunded Mandates Reform Act of 1995, P.L. 104-4, which requires three new activities: Congressional Budget Office cost estimates with a point of order procedure against new mandates costing over \$50 million; agencies cost-benefit analyses of new regulations that cost over \$100 million; and a study of existing mandates by the Advisory Commission on Intergovernmental Relations (ACIR). For the most part, the act appears to be fulfilling its goal. Unfunded mandates now are questioned on a regular basis in Congress and there are only a few new regulatory mandates.

Many of the items on the table below were submitted by the Governor's Office and included in the study of existing mandates completed by ACIR. This study identified more than 200 mandates and highlighted fourteen that are most burdensome nationwide. As expected, the most costly existing unfunded mandates concern the environment, labor relations, and health care. In addition to the following list, the Executive Branch

recommended bills were drafted, and a number of new proposal budget recommendations were developed, with a view to reducing regulatory burdens and creating cost savings.

**The Most Costly and Burdensome Federal Mandates  
As Reported by Montana State Agencies for the 1997 Legislature**

<b>Agency</b>	<b>Description of the Mandate and Reference</b>	<b>One-Time Only or Annual Cost (In Millions)</b>
DOLI	Veterans' Services Performance Standards	unknown
	JTPA Performance Standards (P.L. 97-300 Secretary's standards)	unknown
	JTPA lack of flexibility	none
	Determining Allowable Costs (OMB A-87 and 29 CFR 97)	unknown
	Cash Management Improvement Act effect on UI (P.L. 101-453 and 102-589)	0.03
	Fair Labor Standards Act -- see also DOA	unknown
DOA	Fair Labor Standards Act (29 CFR 541)	1.50
	Cash Management Improvement Act	unknown
	Statewide Cash Allocation Plan (SWCAP)	unknown
DOT	Delays due to Conformity of Transportation with air quality (40 USC 176(c))	0.05
	Value Engineering & Life Cycle Costs PROSPECTIVE (59 Federal Register 59182, Nov. 16, 1994)	2.00
	Omnibus Trade & Competitiveness Act of 1988 Metrification (P.L. 100.418 Section 5164)	20.00
	Modified Eccentric Loader Terminal "MELT" (Fed Highway Administration mandate)	17.50
	Drug & Alcohol Testing EBT device standards (49 CFR Part 40)	0.04
	Control of Outdoor Advertising (23 USC Section 131 and 23 CFR Ch. 1, Sec. 750) \$16M threat	unknown
	Clean Water Act Permit Conditions (33 USC Section 1251-1376, 33 CFR Part 330 Appendix A)	unknown
DPHHS	Boren Amendment (42 CFR 447.253)	10.00
	Medicaid EPSDT services outside State Plan (42 CFR 441 SubPart B)	unknown
	Medicaid Limited Sanctions against Recipients (various regs)	unknown
	Medicaid Flexibility in Cost Sharing (42 CFR 447)	unknown
	Medicaid program responsibility, e.g. IHS (various regs)	2.00
	PASARR [Preadmission screening & annual resident review] (42 CFR Part 483)	0.12
DPHHS - CSE	Four Child Support Enforcement Mandates (45 CFR 302.33, 303.8(c)(4), 303.11, 303.21)	0.45
	Title IV-D definition of "state" excludes Tribal Services (42 USC 1301(a))	unknown
FWP	National Historic Preservation Act Section 106 (36 CFR 800 and 16 USC Section 470(f))	0.10

	Land & Water Conservation Act interpretation (Part 522, USF&W Service Manual, Sect. 7.7.b and 16 USC Section 4601-8(f)(1))	1.00
	Recreational Boating Safety Act (46 USC Section 13102(a)(3) and 13103(a)(3))	unknown
	Farmland Protection Policy Act (7 CFR 658 and 7 USC 4202(a))	
	Section 504 of the Rehabilitation Act of 1973 vis-a-vis Americans with Disabilities Act	
	Resource Conservation and Recovery Act (Fed admin reg)	0.008
DEQ	Federal Clean Air Act Case-By-Case MACT Air Toxics (FCAA Section 112(j))	0.02
	Federal Clean Air Act Accidental Release (FCAA Section 112(r))	unknown
	Whole Effluent Toxicity (WET) Testing (CWA P.L. 92-500 Section 101(a)(3) & 40 CFR 122.21(j)(I))	0.05
	1986 Amendments to Safe Drinking Water Act (42 USC 300f and 40 CFR 141, 142))	unknown
	Storm Water Provisions of Clean Water Act (40 CFR 122, 123, 124)	0.43
LONG RANGE BLDG	Environmental Hazard requirements	0.36
DNRC	Wastewater Treatment Revolving Fund (P.L. 82-500 Federal Clean Water Act as amended 33 U.S.C., 1251-1387	30.00
	Arbitrage Calculation - IRS Code - Treasury Regulations Section 1.148-2(b)	0.03
	Federal Safe Drinking Water Act - Title XIV of Public Health Service Act as amended 42 U.S.C. 300f, et. seq.	25.00
	Federal Agriculture Improvement and Reform Act of 1996 (Farm Bill) Title III	unknown
HISTORICAL SOCIETY	Historic Sites Preservation ( P.L. 15.904)	0.67
LIVESTOCK	Disease Control St./Fed/Co-op Fed Catalog No. 10-025	0.02
	Meat/Poultry Inspection - Meat Inspection Fed Catalog No. 10.025	0.27
	Centralized Services - Indirect M/INS - Fed Catalog No. 10.025	0.02
	Milk & Egg Inspection - Shell Egg - Fed Catalog No. 10.477	0.02
STATE AUDITOR	Kennedy-Kassebaum bill	unknown
	Securities Investment Promotion Act of 1996 - Cost and Revenue Neutral for three years	0
STUDENT FINANCIAL AID	Student Right to Know and Campus Security Act (P.L. 101-542)	0.156
	Title IV withdrawal refund	unknown
	Taxation of tuition fee waivers	unknown
	Federal student aid disbursement (Fed admin reg)	unknown
	Perkins Student Loan Program (Fed admin reg)	0.001
	Student assistance general provisions (Fed admin reg)	unknown
	Family Parent Loan Program (Fed admin reg)	0.004
	Health Omnibus Program Extension of 1988 (P.L. 100-607)	unknown
	Equity in Athletics Disclosure Act (Fed admin reg)	unknown
	Cost accounting standards and disclosure statement requirements (Fed admin reg)	0.01



	30 day delay disbursement (Fed admin reg)	unknown
	Bankruptcy Law in regard to student financial aid	unknown
	Repayment and collection of nursing student loans (Fed admin reg)	unknown
	Title IV, crediting a student account (Fed admin reg)	unknown
	Withholding tax on nonresident aliens	unknown
	Repayment and collection of student loans	unknown
OTHER AGENCIES	Fair Labor Standards Act overtime provisions	unknown
	OMB Circular A-110 required cost analysis for procurement actions	unknown
	ADA Self Regulation Project (Fed admin reg)	unknown
	Hazardous Waste Disposal (Fed admin reg)	unknown
	SARA Title 3, Reporting Hazardous Material (Fed admin reg)	unknown
	Clean Water Act, sewage discharge regulations	unknown
	Asbestos Abatement Regulations (Fed admin reg)	unknown
	ADA Elevator Regulations (Fed admin reg)	unknown
PUBLIC SCHOOLS	Individuals with Disabilities Education Act - Categorical labeling	unknown
	Individuals with Disabilities Education Act - Supplement not supplant requirement	unknown
	Individuals with Disabilities Education Act - Federal distribution based on child count	unknown
	Individuals with Disabilities Education Act - Funding commitment	unknown

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## Grade Change Report

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The Grade Change Report is in compliance with 17-7-123, MCA, which requires a report of pay grade changes that have occurred during the 1997 biennium. The report covers positions under the pay schedules adopted in 2-18-303, MCA. Positions exempt from these pay schedules are not included. The report includes data on the cost of the grade change and a reason for the grade change. The changes are from the period July 1, 1995, through August 16, 1996.

Only a summary table is included in this budget document. A detailed list of positions that have changed is available from the Office of Budget and Program Planning and the Legislative Fiscal Analyst.

The narrative below explains how to interpret the data in the report. The data for the Grade Change Report was compiled by the Classification and Pay Bureau, State Personnel Division, Department of Administration.

### COSTS

The cost associated with each grade change was calculated using the FY 96 pay schedules established in 2-18-303, MCA. The cost of grade changes was calculated based only on the change in grade and is not related to incumbents or whether the position was vacant during part of the reporting period. To insure uniformity, all calculations were based upon the annual rate for the grade at the market rate in the pay schedule. The grade change was assumed to be effective at the beginning of each fiscal year. FTE information for each university system position is not readily available so they were all calculated on the assumption that each position is equal to 1.00 FTE.

Because of the methods of calculation and assumptions used, the cost is not a true cost for the 1997 biennium. The effect of the grade change reflects the annual increase or decrease for each position for FY 98 and FY 99 provided there are no further grade changes.

### **REASONS FOR GRADE CHANGES**

To understand why grade changes occur, it is necessary to explain some of the basics of how the classification system works. One of the reasons for a classification system is to determine how an employee should be compensated for performing the work assigned to a position. Specific criteria such as complexity of work, accountability and responsibility are used to group positions into classes and to rank classes in a grade hierarchy from one to twenty-five.

### **AGENCY MANAGEMENT INITIATED ACTIONS**

An agency can initiate an action to reclassify a position at any time. These actions originate when an agency changes the duties and responsibilities of a position. Duties change because of reorganization, changes in programs, changes in equipment, reductions in force, and other related reasons.

Some grade changes occur due to the administration of a class series career ladder. Some class series are administered in such a way that as a new employee gains experience and training, duties and responsibilities change. This results in the position being upgraded. This also works in reverse; when a upper level position becomes vacant, it is downgraded and filled at the entry level.

**About 90% of the upgrades and 93% of the downgrades were the result of agency initiated actions.**

### **CLASSIFICATION AND PAY BUREAU INITIATED ACTIONS**

MCA 2-18-203 provides that the Department of Administration shall continuously review all positions on a regular basis. The Bureau initiates reviews in order to maintain classification standards and methods and to address problems in the administration of a particular class. Changes in positions result when it is determined that a position is in the wrong class or the grade of an entire class should be changed. The Bureau also initiates reviews as a result of changes made through the appeals process. Occasionally a decision made in the appeals process has a "domino effect" on other positions.

**About 2 percent of the upgrades and 7 percent of the downgrades were the result of Bureau initiated action.**

### **APPEALS**

An employee can initiate an action to change his/her classification by filing an appeal. The appeals process is administered by the Board of Personnel Appeals (BPA). The law allows employees to appeal the allocation of their position to a class. The grade of the class is not appealable (2-18-203, MCA).

When an appeal is filed, the decision to change a position is made by the Classification and Pay Bureau (step 2) or by the BPA (step 3 of the appeals process).

**About 8 percent of the upgrades were the result of the appeals process.**

The detailed list of positions that is available from the Office of Budget and Program Planning and the Legislative Fiscal Analyst shows the reason for the grade change for each position.

The following table summarizes the grade changes for each agency. The **NET COST** represents the most that could be spent or saved on grade changes. It does not take into account the date of the grade change, the pay of the incumbent or whether positions are filled or vacant.

### 1997 BIENNIUM GRADE CHANGES

AGENCY	FTE 06/30/96	UPGRADES		DOWNGRADES		NET COST 97 Bm
		FTE	%	FTE	%	
Gov. Office	51.15	4.75	9.3%	0.00	0.0%	\$32,876
Fish, W'life & Parks	614.84	53.56	8.7%	5.63	0.9%	\$209,849
Environmental Quality	369.17	29.00	7.9%	12.00	3.3%	\$24,552
Transportation	1923.90	135.48	7.0%	12.95	0.7%	\$722,315
Livestock	126.71	2.50	2.0%	2.00	1.6%	\$21,450
Nat Resr & Cons	494.68	41.10	8.3%	14.84	3.0%	\$149,818
Revenue	739.39	74.00	10.0%	19.00	2.6%	\$281,148
Administration	370.52	40.17	10.8%	12.08	3.3%	\$242,861
Agriculture	110.49	9.75	8.8%	2.33	2.1%	\$53,594
Corrections	919.77	117.22	12.7%	31.97	3.5%	\$760,725
Commerce	330.23	26.00	7.9%	12.00	3.6%	\$135,727
Labor & Industry	666.59	31.00	4.7%	27.90	4.2%	(\$5,970)
Military Affairs	97.20	13.00	13.4%	2.00	2.1%	\$73,658
Public Health & Human Serv	2838.11	493.00	17.4%	61.09	2.2%	\$2,959,658
<b>Sub Total</b>	<b>9652.75</b>	<b>1070.53</b>	<b>11.4%</b>	<b>215.79</b>	<b>2.3%</b>	<b>\$5,662,261</b>
Secretary of State	41.80	4.00	9.6%	2.00	4.8%	\$6,858
Comm Political Practices	7.25	0.00	0.0%	4.00	55.2%	(\$51,610)
State Auditor	62.00	4.00	6.5%	1.00	1.6%	\$14,772
Office Public Instruction	136.03	8.15	6.0%	0.00	0.0%	\$118,584
Brd Crime Control	20.00	3.00	15.0%	2.00	10.0%	\$6,826
Justice	698.55	41.50	5.9%	21.00	3.0%	\$155,136
Public Service Comm	39.50	1.00	2.5%	0.00	0.0%	\$8,504
Comm of Hi Ed	76.20	5.00	6.6%	0.00	0.0%	\$23,508
Universities	3617.48	120.00	3.3%	18.00	0.5%	\$623,665
Board of Public Educ	86.05	0.00	0.0%	0.00	0.0%	\$0
Mt Arts Council	11.00	6.50	59.1%	0.00	0.0%	\$32,576
State Library	37.88	8.08	21.3%	0.00	0.0%	\$43,508
Vo Ed Adv Council	2.50	0.00	0.0%	0.00	0.0%	\$0
Historical Society	56.80	11.00	19.4%	2.00	3.5%	\$73,986
<b>Sub Total</b>	<b>4893.04</b>	<b>212.23</b>	<b>4.3%</b>	<b>50</b>	<b>1.0%</b>	<b>\$1,056,313</b>
<b>TOTAL</b>	<b>14545.79</b>	<b>1282.76</b>	<b>8.8%</b>	<b>265.79</b>	<b>1.8%</b>	<b>\$6,718,574</b>

## Americans with Disabilities Act

The Americans with Disabilities Act (ADA) gives federal civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

It is the policy of the State of Montana that discriminatory barriers to employment in state government on the basis of disability must be eliminated, in accordance with relevant state and federal law such as the Montana Human Rights Act of 1974, Section 504 of the Rehabilitation Act of 1973, and Titles I and II of the ADA of 1990. Several state personnel policies refer to the various provisions of these laws. The intent of this policy statement is to link together these provisions into one consolidated policy statement. Following is the agency progress report of ADA compliance:

### AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) 1996 PROGRESS REPORT

Agency	Program	Removing Physical Barriers	Implementation Progress				Plans for next biennium			
			Services	Employ- ment	Public Meetings	Staff Training	Services	Employ- ment	Public Meetings	Staff Training
1104	all	A	5	5	5	1	6	6	6	6
1112	1	C	6	1	6	0	0	0	0	0
2110	all	A	0	0	0	0	0	0	0	0
3101	all	A	6	6	6	6	6	6	6	6
3201	all	F	6	6	6	6	6	6	6	6
3202	1	A	0	0	0	0	0	0	0	0
3401	1	A	6	6	6	6	6	6	6	6
3401	3	A	6	6	6	6	6	6	6	6
3401	4	A	6	6	6	6	6	6	6	6
3501	6	F	5	6	5	6	1	1	1	1
3513	all	F	6	5	5	5	6	5	5	5
3514	all	D	4	3	5	3	3	3	3	3
4107	1	A	5	4	5	3	1	1	1	1
4110	1	A	0	0	0	0	0	0	0	0
4110	7	F	6	6	6	6	6	6	6	6
4110	12,17	C	1	2	2	1	1	1	1	1
4110	13	C	2	5	2	3	1	1	1	1
4110	18	C	1	1	1	1	0	0	0	0
4110	22	E	0	1	4	1	1	1	1	1
4110	28	A	1	1	1	1	1	1	1	1
4110	29	C	1	1	1	1	1	1	1	1
4110	32	1	1	0	0	0	0	0	0	0
4201	1	F	6	6	6	6	6	6	6	6
5102	1	D	3	6	3	3	3	3	3	3
5102	2	D	3	6	3	6	3	3	3	3
5102	3	D	6	6	6	6	0	0	0	0

Agency	Program	Removing Physical Barriers	Implementation Progress				Plans for next biennium			
			Services	Employ- ment	Public Meetings	Staff Training	Services	Employ- ment	Public Meetings	Staff Training
5102	5	D	5	6	6	5	3	3	3	3
5102	6	D	3	3	3	3	3	3	3	3
5102	8	D	5	6	5	6	0	0	0	0
5102	12	D	6	6	6	6	0	0	0	0
5102	13	D	6	6	6	6	0	0	0	0
5103	all	E	4	6	6	6	4	6	6	6
5104	all	D	5	5	5	5	4	4	4	4
5105	all	D	3	6	3	6	3	6	3	6
5113	1	C	3	5	5	3	3	5	5	3
5113	3	C	3	5	5	3	3	5	5	3
5113	4	C	3	5	5	3	3	5	5	3
5114	1	E	5	6	6	1	1	1	1	1
5115	1	A	1	1	1	1	1	1	1	1
5117	all	A	5	4	5	3	1	1	1	1
5201	1	D	3	4	4	3	3	3	3	3
5201	2	A	4	4	5	3	4	4	4	4
5201	3	E	5	5	5	3	4	4	4	4
5201	4	D	4	5	N/A	3	4	4	4	4
5201	5	D	4	4	5	3	4	4	4	4
5201	6	E	4	4	5	3	4	4	4	4
5201	8	D	3	4	5	3	4	4	4	4
5201	9	D	3	4	5	3	4	4	4	4
5301	10	A,F	1	1	1	1	3	3	3	3
5301	11	C	1	1	1	1	3	3	3	3
5301	20	A,F	1	1	1	1	3	3	3	3
5301	30	A,F	1	1	1	1	3	3	3	3
5301	40	C	1	1	1	1	3	3	3	3
5301	50	A,F	1	1	1	1	3	3	3	3
5401	1	F	6	6	6	6	6	6	6	6
5401	2	E	4	5	5	4	5	6	6	4
5401	7	F	6	6	6	6	6	6	6	6
5401	8	F	6	6	6	6	6	6	6	6
5401	22	N/A	3	2	6	4	0	0	0	0
5401	40	F	5	5	5	6	5	5	5	6
5401	50	F	6	6	6	6	6	6	6	6
5603	1	D	3	0	1	0	0	0	0	0
5706	4	C	1	1	1	1	3	3	3	3
5706	21	C	1	1	1	1	3	3	3	3
5706	25	F	6	6	6	3	0	0	0	3
5706	35	C	1	1	1	1	6	6	6	6
5801	1	A	4	4	4	2	6	6	6	6
5801	2	A	3	4	3	2	6	6	6	6
5801	5	F	5	4	5	2	0	0	0	3
5801	6	A	3	4	5	2	3	3	3	3
5801	7	A	3	4	5	2	6	6	6	6
5801	8	D	1	4	3	2	6	6	6	6

Agency	Program	Removing Physical Barriers	Implementation Progress				Plans for next biennium			
			Services	Employ- ment	Public Meetings	Staff Training	Services	Employ- ment	Public Meetings	Staff Training
6101	6/Proc & Printing	A	1	5	5	1	6	6	6	6
6101	6/Prop & Supply	B	5	5	5	5	6	6	6	6
6101	6/Pub & Graphics	A	1	5	1	1	6	6	6	6
6101	3	A	6	6	6	6	6	6	6	6
6101	4	A	5	5	5	5	5	5	5	6
6101	7	A	1	6	1	2	2	6	2	2
6101	8	A,F	6	6	6	6	6	6	6	6
6101	13	A	0	0	0	0	0	0	0	0
6101	23	A	5	6	6	5	4	4	4	4
6101	24	A,C	1	6	1	1	1	4	1	1
6101	37	A	6	6	6	6	6	6	6	6
6102	1	F	5	5	5	5	5	5	5	5
6104	1 thru 9, 35	F	2	2	3	1	4	3	5	3
6105	1	A	3	6	3	6	4	6	4	6
6201	15	A	6	6	6	6	6	6	6	6
6201	30	A	6	6	6	6	6	6	6	6
6201	50	A	6	6	6	6	6	6	6	6
6401	3/MSP Direct Care	D	5	5	5	1	3	0	0	3
6401	3/MSP Indirect Care	D	5	5	5	1	3	0	0	3
6401	3/MSP Sec. Fac.	D	5	5	0	1	3	0	0	3
6401	3/Pine Hills	E	5	5	5	5	5	5	5	5
6401	3/W.C.C	D	5	3	0	1	0	0	0	0
6401	2	B	0	4	0	0	0	0	0	0
6501	2	D	6	6	6	6	6	6	6	6
6501	36	D	6	6	6	6	6	6	6	6
6501	39	D	6	6	6	6	6	6	6	6
6501	51	D	6	6	6	6	6	6	6	6
6501	60	D	6	6	6	6	6	6	6	6
6501	62	D	6	6	6	6	6	6	6	6
6501	64	D	6	6	6	6	6	6	6	6
6501	65	D	6	6	6	6	6	6	6	6
6501	71	D	6	6	6	6	6	6	6	6
6501	73	D	6	6	6	6	6	6	6	6
6501	74	D	6	6	6	6	6	6	6	6
6501	75	D	6	6	6	6	6	6	6	6
6501	77	D	6	6	6	6	6	6	6	6
6501	78									
6501	79	D	6	6	6	6	6	6	6	6

Agency	Program	Removing Physical Barriers	Implementation Progress				Plans for next biennium			
			Services	Employment	Public Meetings	Staff Training	Services	Employment	Public Meetings	Staff Training
6501	81	D	6	6	6	6	6	6	6	6
6602	1	F	6	6	6	6	6	6	6	6
6602	2	E	3	5	4	1	5	6	5	5
6602	4	C	1	1	1	1	3	3	3	3
6602	8	F	5	6	5	6	5	6	5	6
6602	9	F	6	4	4	4	6	6	6	6
6701	1	C	1	5	4	1	2	6	6	5
6701	12	C	1	6	6	3	2	6	6	6
6701	21	C	2	5	4	1	4	6	5	3
6701	31	C	1	5	5	1	3	6	6	3
6901	22/ Eastern MT Vets Home	D	3	3	3	3	3	3	3	3
6901	22/ MT Vets Home	C	3	3	3	3	3	3	3	3
6901	22/ Senior and LTC	D	3	3	3	3	3	3	3	3
6901	3	D	3	3	3	3	3	3	3	3
6901	4	D	3	3	3	3	3	3	3	3
6901	8	E	3	3	3	3	1	1	1	1
6901	9	D	3	3	3	3	3	3	3	3
6901	10	D	3	3	3	3	3	3	3	3

KEY	
<b>REMOVING PHYSICAL BARRIERS:</b>	
<b>A=All facilities are in the Capitol Complex</b>	
<b>B=No planning or initiatives yet in this area</b>	
<b>C=Preliminary planning underway in this area</b>	
<b>D=A well-developed transition plan exists and partial activity in this area</b>	
<b>E=A well-developed transition plan exists and major activity in this area</b>	
<b>F=Transition plan activities are complete; review process in place for new fa</b>	
<b>IMPLEMENTATION PROGRESS AND PLANS FOR THE NEXT BIENNIUM</b>	
<b>0=No planning or initiatives in this area</b>	
<b>1=Preliminary planning underway in this area</b>	
<b>2=A well-developed written self-evaluation exists in this area</b>	
<b>3=Well-developed plans exist and partial activity in this area</b>	
<b>4=Well-developed plans exist and major activity in this area</b>	
<b>5=Major evidence of accessibility in this area</b>	
<b>6=Continual review process in place to monitor need for activity as changes</b>	

## **Staff Assignments**

### **OFFICE OF BUDGET AND PROGRAM PLANNING** **David Lewis, Budget Director**

#### **GENERAL GOVERNMENT & TRANSPORTATION**

##### **Mary LaFond**

1104 Legislative Branch  
1112 Consumer Counsel  
3202 Commissioner of Political Practices

##### **John Patrick**

3101 Governor's Office  
3201 Secretary of State  
3401 State Auditor's Office  
5401 Transportation - and **Bob Andersen**  
5801 Revenue  
6101 Administration  
6102 Appellate Defender Commission  
6104 Public Employees Retirement Board  
6105 Teachers' Retirement Board

#### **HEALTH & HUMAN SERVICES**

##### **Connie Welsh/Bob Andersen**

6901 Public Health & Human Services

#### **NATURAL RESOURCES & COMMERCE**

##### **Doug Schmitz**

5301 Environmental Quality  
5603 Livestock  
5706 Natural Resources & Conservation  
6201 Agriculture

##### **Shirley Moore**

5201 Fish, Wildlife & Parks  
6501 Commerce

#### **INSTITUTIONS & PUBLIC SAFETY**

##### **Mary LaFond**

6401 Corrections

##### **Flo Smith**

2110 Judiciary  
2115 MT Chiropractic Legal Panel  
4107 Board of Crime Control  
4110 Justice  
4201 Public Service Regulation  
6602 Labor and Industry  
6701 Military Affairs

#### **EDUCATION**

##### **Curt Nichols/Amy Carlson**

3501 Office of Public Instruction  
5101 Board of Public Education  
5109 Agricultural Experiment Station  
5110 Cooperative Extension Service  
5111 Forest & Conservation  
Experiment Station  
5113 School for the Deaf and Blind  
5114 Montana Arts Council  
5115 Library Commission  
5117 Montana Historical Society  
5119 Fire Services Training School

#### **EDUCATION (cont'd)**

##### **Amy Carlson/Curt Nichols**

Colleges of Technology  
5102 Commissioner of Higher Education  
Montana Univ. System (MUS)  
Community Colleges

#### **LONG-RANGE PLANNING**

##### **Jane Hamman/Guy Almquist**

6107 Long-Range Building Program  
Treasure State Endowment Program  
Oil Overcharge Funds  
Resource Indemnity Trust Interest Accounts  
Cultural and Aesthetic Grant Program  
State Buildings Energy Conservation

#### **SECTION G**

##### **Bob Andersen**

6103 State Compensation Insurance Fund

##### **Steve Bender**

Pay Plan

#### **INTERNAL SVC/ENTERPRISE FUNDS (HB 576)**

##### **John Patrick/Bob Andersen**

#### **REVENUE ESTIMATING & MONITORING**

##### **Steve Bender**

#### **PUBLIC SCHOOL AID**

##### **Curt Nichols**

#### **DATA PROCESSING**

##### **Steve Colberg**

##### **Mike Walsh**

##### **Steve Bender**

#### **POSITION & APPROPRIATIONS CONTROL**

##### **Helen Kittel**

##### **Mariann Huso**

#### **SUPPORT STAFF**

##### **Paulette Longmire**

##### **Amy Sassano**

#### **FISCAL NOTES**

##### **Shirley Moore**

##### **Paulette Longmire**

##### **Amy Sassano**

#### **SINGLE AUDIT REPORT**

##### **Mike Walsh**

##### **Steve Bender**



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## Glossary

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**Accounting Entity** - An independent financial entity with a self-balancing set of accounts provided to record assets or other resources together with all related liabilities, obligations, reserves, and equities which are segregated for the purpose of maintaining a record of specific governmental activities or as a management tool to ensure that certain objectives are in accordance with specific statutes, regulations, policies, restrictions, or limitations. An accounting entity is designated A/E XXXXX for fund structure reference. (MOM)

**Accrual Basis** - A basis of accounting in which transactions are recognized at the time they are incurred, as opposed to when cash is received or spent. (GFOA)

**Activity** - Departmental efforts which contribute to the achievement of a specific set of program objectives; the smallest unit of the program budget. (GFOA)

**Additional Services** - Different services or more of the same services. (Schenck memo - MCA)

**Administrative Authorization** - An administrative authorization is established to provide authority for funds transferred from another agency. Administrative authorizations for agency funds (07) are allowed only for monies over which the agency has no discretion and no duty to measure results. Agency funds are non-budgeted funds. (MOM)

**Ad Valorem Taxes** - commonly referred to as property taxes, are levied on both real and personal property according to the property's valuation and the tax rate. (GFOA)

**Agency** - Each state office, department, division, board, commission, council, committee, institution, university unit, or other entity or instrumentality of the executive branch, office of the judicial branch, or office of the legislative branch of state government, except for purposes of capital projects administered by the department of administration, for which institutions are treated as one department and university units as one system. (MCA)

**Agency Mission** - Agency mission statements articulate the reason for an agency's existence. Stated clearly and concisely, preferably in one sentence, most mission statements will remain constant for years. All agencies are required by substantive law to develop agency mission statements for publication in the executive budget. (PBB memo)

**Agency Transfer** - Direct transfer of appropriation authority from one agency to another agency. (MOM)

**Allot** - To divide an appropriation into amounts which may be encumbered or expended during an allotment period. (GFOA)

**Annualize** - Taking changes that occurred mid-year and calculating their cost for a full year, for the purpose of preparing an annual budget. (GFOA)

**Appropriation** - A legal authorization to incur obligations and to make expenditures for specific purposes. (GFOA)

**Appropriation** - Authority established by legislative action or executive order for amounts that may be disbursed from an accounting entity, program, and/or object of expenditure for a particular purpose during a specific period of time. The first digit of the assigned five-digit appropriation number is the same as the second digit of the A/E. For example, the A/E code for general fund is 01100, so all 1XXXX appropriations

are general fund. The second digit of the appropriation number designates the fiscal year. For example, 16XXX is general fund authority for fiscal 1996 and 17XXX is for fiscal 1997.

In the College and University Business Administration (CUBA) fund structure, the first digit of the assigned five-digit appropriation number is the same as the first digit of the accounting entity code. The second digit of the appropriation number designates the fiscal year. The third digit of these CUBA appropriation numbers is alphabetic. For example, 36E01 is an appropriation number that could be assigned to accounting entity 31XXX for fiscal 1996. (MOM)

**Approved Long-Range Building Program Budget Amendment** - Approval by the budget director of a request submitted through the Architecture and Engineering Division of the Department of Administration to transfer excess funds appropriated to a capital project within an agency to increase the appropriation of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature. (MCA)

**Approving Authority** - means

- (a) the Governor or his designated representative for executive branch agencies;
- (b) the Chief Justice of the Supreme Court or his designated representative for judicial branch agencies,
- (c) the Speaker for the House of Representatives;
- (d) the President for the Senate;
- (e) appropriate legislative committees or a designated representative for legislative branch agencies, or
- (f) the Board of Regents of Higher Education or its designated representative for the university system. (MCA)

**Assessed Value** - The value placed on real and other property as a basis for levying taxes. (GFOA)

**Assessed Valuation** - The valuation set upon real estate and certain personal property by the assessor as a basis for levying property taxes. (GFOA)

**Assessment Ratio** - The ratio at which the tax rate is applied to the tax base. (GFOA)

**Asset** - Resources owned or held by a government which have monetary value.

**Attrition** - A method of achieving a reduction in personnel by not refilling the positions vacated through resignation, reassignment, transfer, retirement, or means other than layoffs. (GFOA)

**Authorized Positions** - Employee positions which are authorized in the adopted budget and are to be filled during the year. (GFOA)

**Available (Undesignated) Fund Balance** - This refers to the funds remaining from the prior year which are available for appropriation and expenditure in the current year. (GFOA)

**Base Budget** - Cost of continuing the existing levels of service in the current budget year. (GFOA)

**Base Budget** - That level of funding authorized by the previous legislature. (MCA) The base budget for 1999 biennium budget development and analysis purposes will be the combined level of ongoing expenditures using FY96 actual expenditures from authority contained in HB 2, HB 17, and other permanent appropriations bills. (EPP memo & Schenck memo - MCA)

**Bond** - A long-term I.O.U. or promise to pay. It is a promise to repay a specified amount of money (the face amount of the bond) on a particular date (the maturity date). Bonds are primarily used to finance capital projects. (GFOA)

**Bond Refinancing** - The payoff and re-issuance of bonds, to obtain better interest rates and/or bond conditions. (GFOA)

**Budget** - A plan of financial activity for a specified period of time (fiscal year or biennium) indicating all planned revenues and expenses for the budget period. (GFOA)

**Budget** - An annual financial plan showing projected costs and revenue over a specified time period. (GFOA)

**Budget Amendment** - Increases in authority are processed in accordance with Title 17, Chapter 7, part 4, MCA. (MOM)

**Budgetary Basis** - This refers to the basis of accounting used to estimate financing sources and uses in the budget. This generally takes one of three forms: GAAP, cash, or modified accrual. (GFOA)

**Budget Calendar** - The schedule of key dates which a government follows in the preparation and adoption of the budget. (GFOA)

**Budgetary Control** - The control or management of a government in accordance with the approved budget for the purpose of keeping expenditures within the limitations of available appropriations and resources. (GFOA)

**Capital Assets** - Assets of significant value and having a useful life of several years. Capital assets are also called fixed assets. (GFOA)

**Capital Budget** - The appropriation of bonds or operating revenue for improvements to facilities and other infrastructure. (GFOA)

**Capital Improvements** - Assets of significant value and having a useful life of several years. Capital assets are also called fixed assets. (GFOA)

**Capital Improvements** - Projects which are long-term assets such as roads, buildings, and information technology.

**Capital Projects Program** - A plan for capital outlay to be incurred each year over a fixed number of years to meet capital needs arising from the government's long-term needs.

**Capital Project** - Major construction, acquisition, or renovation activities which add value to a government's physical assets or significantly increase their useful life. Also called capital improvements. (GFOA)

**Capital Project Funds** - (A/Es 05XXX) - To account for resources used for the acquisition or construction of major capital facilities, other than those financed by proprietary, trust, or higher education funds. (MOM)

**Capital Reserve** - An account used to segregate a portion of the government's equity to be used for future capital program expenditures. The amount of capital reserve is roughly equal to the government's annual equipment depreciation and an amount identified as being needed for future capital acquisition. (GFOA)

**Carry-Forward (CA)** -Appropriation which is established as authorized by 17-7-304, MCA. Montana University System units may establish carry-forward authority for 100% of the money appropriated and unexpended and unencumbered; other state agencies may utilize 30% for any purpose that is consistent with the goals and objective of the agency. (MOM)

**Cash Basis** - A basis of accounting in which transactions are recognized only when cash is increased or decreased. (GFOA)

**Collective Bargaining Agreement** - A legal contract between the employer and a verified representative of a recognized bargaining unit for specific terms and conditions of employment (e.g., hours, working conditions, salary, fringe benefits, and matters affecting health and safety of employees). (GFOA)

**Commodities** - Expendable items that are consumable or have a short life span. Examples include office supplies, gasoline, minor equipment, and asphalt. (GFOA)

**Constant or Real Dollars** - The presentation of dollar amounts adjusted for inflation to reflect the real purchasing power of money as compared to a certain point in time in the past. (GFOA)

**Consumer Price Index (CPI)** - A statistical description of price levels provided by the U.S. Department of Labor. The index is used as a measure of the increase in the cost of living (i.e., economic inflation). (GFOA)

**Contingency** - A budgetary reserve set aside for emergencies or unforeseen expenditures not otherwise budgeted. (GFOA)

**Continuing Appropriation** - An appropriation that is valid for more than one fiscal year. (MOM)

**Contractual Services** - Services rendered to a government by private firms, individuals, or other governmental agencies. Examples include utilities, rent, maintenance agreements, and professional consulting services. (GFOA)

**Control Variables** - Used to segregate expenditures and funding for a clearly-defined function within a state government program, primarily when funding sources and/or constraints are different for that function than for other functions within the program, but also for statutory and language authority and one-time-only appropriations. The grouping of the responsibility center(s) into a CV is helpful to the agency for budget development and presentation purposes, helpful for accounting entity analysis, and helpful in preparing summary information by fund and expenditure. Agency and program names on the CV system must be the same as those on the state Information Control Core. (ICC) (EPP memo)

**Cost-of-living Adjustment (COLA)** - An increase in salaries to offset the adverse effect of inflation on compensation. (GFOA)

**Debt Service** - The cost of paying principal and interest on borrowed money according to a predetermined payment schedule. (GFOA)

**Debt Service Funds** - (A/Es 04XXX) To account for resources accumulated for payment of principal and interest on most general long-term obligations (except capital leases and compensated absences). (MOM)

**Dedicated Tax** - A tax levied to support a specific government program or purpose. (GFOA)

**Deficit** - The excess of an entity's liabilities over its assets or the excess of expenditures or expenses over revenues during a single accounting period. (GFOA)

**Department** - The basic organizational unit of government which has its own mission and is functionally unique in its delivery of services. (GFOA)

**Depreciation** - Expiration in the service life of capital assets attributable to wear and tear, deterioration, action of the physical elements, inadequacy, or obsolescence. (GFOA)

**Direct Transfers (ATs)** - Are established to provide authority for funds transferred from one state agency to another state agency pursuant to 17-8-101, 18-2-102, 18-2-105, or 90-4-607, MCA. Most ATs are zero-based grants, but remaining transactions are reviewed during budget development on a case-by-case basis to determine which agency should have the expenditure in its base budget. (EPP- memo)

**Disbursement** - The expenditure of monies from an account. (GFOA)

**Effectiveness measure** - A criterion for measuring the degree to which the objective sought is attained. (PBB memo)

**Efficiency Indicators** - A measure of productivity and cost-effectiveness that often is expressed as a ratio of inputs to outcomes, e.g., cost per vaccination given to a child, average expenditure per pupil in elementary schools, number of miles patrolled per highway patrol officer assigned to traffic. (PBB memo)

**Emergency measure** - A criterion for measuring the degree to which the objective sought is obtained. (Schenck memo - MCA)

**Employee (or fringe) Benefits** - Contributions made by a government to meet commitments or obligations for employee fringe benefits. Included are the government's share of costs for Social Security and the various pension, medical, and life insurance plans. (GFOA)

**Encumbrances** - Commitments related to unperformed (executory) contracts for goods or services. (GASB)

**Entitlement** - Payments to which local governmental units are entitled, pursuant to an allocation formula determined by the agency providing the monies, usually the state or the federal government. (GFOA)

**Executive Branch Agencies** - All administrative offices, boards, bureaus, commissions, units, instrumentalities, and agencies of the state not designated as part of either the judicial or the legislative branch of state government. (MOM)

**Expenditure** - The payment of cash on the transfer of property or services for the purpose of acquiring an asset, service, or settling a loss. (GFOA)

**Expense** - Charges incurred (whether paid immediately or unpaid) for operations, maintenance, interest, or other charges. (GFOA)

**Fiduciary Funds** - Trust and Agency Funds (A/Es 07XXX - 09XXX) - To account for assets held by the state in a trustee capacity or as an agent for individuals, private organizations, other governments or other funds. These include: (a) agency funds (A/Es 07XXX); (b) expendable trust funds (A/Es 08XXX); (c) nonexpendable trust funds (A/Es 090XX); and (d) pension trust funds (A/Es 095XX). (MOM)

**Fiscal Policy** - A government's policies with respect to revenues, spending, and debt management as these relate to government services, programs, and capital investment. Fiscal policy provides an agreed-upon set of principles for the planning and programming of government budgets and their funding. (GFOA)

**Fiscal Year** - A twelve-month period designated as the operating year for accounting and budgeting purposes in an organization. (GFOA)

**Fiscal Year (FY)** - The state fiscal year is July 1 through June 30. Fiscal year 1996 refers to the fiscal year ending June 30, 1996. The federal fiscal year (FFY) is October 1 through September 30.

**Fixed Assets** - Assets of a relatively permanent nature with a useful life of more than one year whose identity does not change with use. State agencies are required to capitalize fixed assets if the unit cost is \$1,000 or more.

**Full Faith and Credit** - A pledge of a government's taxing power to repay debt obligations. (GFOA)

**Full-time Equivalent Position (FTE)** - A part-time position converted to the decimal equivalent of a full-time position based on 2,080 hours per year. For example, a part-time typist working for 20 hours per week would be the equivalent to 0.50 of a full-time position. (GFOA/MCA)

**Function** - A group of related activities aimed at accomplishing a major service or regulatory program for which a government is responsible (e.g., public safety). (GFOA/MCA)

**Function** - A duty, power, or general area of activity assigned to an agency. (MOM)

**Fund** - An accounting entity (A/E) comprised of a group of self-balancing accounts. (GFOA)

**Fund** - A fiscal entity with revenues and expenses which are segregated for the purpose of carrying out a specific purpose or activity. (GFOA)

**Fund Balance** - The difference between governmental fund assets and liabilities, also referred to as fund equity. (GASB)

**GAAP** - Generally Accepted Accounting Principles. Uniform minimum standards for financial accounting and recording, encompassing the conventions, rules, and procedures that define accepted accounting principles. (GFOA)

**General Fund** - (A/E 01100) - To account for all governmental financial resources except those required to be accounted for in another fund. (MOM)

**Goal** - A general end toward which an agency directs its efforts. Goals represent the highest, yet realistically achievable, aspirations for a program of state government. (PBB memo)

**Grants** - A contribution by a government or other organization to support a particular function. Grants may be classified as either operational or capital, depending upon the grantee. (GFOA)

**Hourly** - An employee who fills a temporary or short-term position. Such employees provide contingency staffing for government operations during peak workloads or address temporary staffing needs. Hourly employees are paid on a per-hour basis, and receive limited benefits. (GFOA)

**Indirect Cost** - A cost necessary for the functioning of the organization as a whole, but which cannot be directly assigned to one service. (GFOA)

**Infrastructure** - The physical assets of a government (e.g., public buildings, utilities, roads, parks). (GFOA)

**Interfund Transfers** - The movement of monies between funds of the same governmental entity. (GFOA)

**Intergovernmental Revenue** - Funds received from federal, state, and other local government sources in the form of grants, shared revenues, and payments in lieu of taxes. (GFOA)

**Internal Service Charges** - The charges to user departments for internal services provided by another government agency, such as data processing. (GFOA)

**Legislative Appropriation** - There are three types of legislative appropriations as follows below. (MOM)

**Legislative Appropriation (LA)** - “Language Appropriation” contained in a bill for a non-specific or limited dollar amount. For example, authority to accept and expend funds received for a particular purpose up to a maximum amount.

**Legislative Appropriation (HB)** - “House Bill” appropriation(s) for a specific dollar amount and specific purpose(s) contained in a house appropriation bill.

**Legislative Appropriation (SB)** - “Senate Bill” appropriation(s) for a specific dollar amount and specific purpose(s) contained in a senate appropriation bill.

**LRBP Budget Amendment (BA)** - Approval by the Budget Director of a request submitted through the Architecture and Engineering Division of the Department of Administration to transfer excess funds appropriated for a capital project within an agency to increase the appropriation of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature. (MOM)

**Levy** - To impose taxes for the support of government activities. (GFOA)

**Long-term Debt** - Debt with a maturity of more than one year after the date of issuance. (GFOA)

**Materials and Supplies** - Expendable materials and operating supplies necessary to conduct departmental operations. (GFOA)

**Mill** - The property tax rate which is based on the valuation of property. A tax rate of one mill produces one dollar of taxes on each \$1,000 of assessed property valuation. (GFOA)

**Modified Accrual Basis** - A basis of accounting in which revenues/additions are recognized in the accounting period in which they become susceptible to accrual, when they become both measurable and available. Available means collectible within the current period, or soon enough thereafter to be used to pay liabilities of the current period. Expenditures/deductions are recognized when the related liability is incurred, with certain exceptions. (MOM)

**Necessary** - Essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration. (Schenck memo - MCA)

**New Proposals** - Requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. All Governor’s budget initiatives are contained in new proposals. (EPP - memo)

**Nominal Dollars** - The presentation of dollar amounts not adjusted for inflation. Adjusting for inflation would be done to reflect the real purchasing power of money today. (GFOA)

**Non-Discretionary** - An absolutely essential expenditure request required to maintain services and functions and to meet statutory requirements. (EPP - memo)

**Object of Expenditure** - An expenditure classification, referring to the lowest and most detailed level of classification, such as electricity, office supplies, asphalt, and furniture. (GFOA)

**Objective** - Clear targets for specific action and the quantified results of that action that are achievable, measurable and time limited. (PBB memo)

**Objectives** - Certain accomplishments a department intends to achieve during the fiscal year. (GFOA)

**Obligations** - Amounts which a government may be legally required to meet out of its resources. They include not only actual liabilities, but also encumbrances not yet paid. (GFOA)

**Operating Expenses** - The cost for personnel, materials and equipment required for a department to function. (GFOA)

**Operating Revenue** - Funds that the government receives as income to pay for ongoing operations. It includes such items as taxes, fees from specific services, interest earnings, and grant revenues. Operating revenues are used to pay for the day-to-day services. (GFOA)

**OBPP Approving Authority** - The Governor and/or OBPP when designated are the approving authority for all changes in appropriations and operating budget for the following agencies: Governor's Office, Office of the Secretary of State, Commissioner of Political Practices, Office of the State Auditor, Office of Public Instruction, Department of Justice, Public Service Regulation, Board of Public Education, School for the Deaf and Blind, Montana Arts Council, State Library Commission, Montana Historical Society, Department of Administration, Public Employees Retirement, Teachers' Retirement, Department of Agriculture, Department of Corrections, Department of Commerce, Department of Labor and Industry, Department of Military Affairs, Department of Public Health and Human Services. (MOM)

**One-Time-Only Appropriations** - (OTOs) Refers to funding authorized by the previous legislature which was assigned a separate appropriations number by the OBPP due to a statement of legislative intent that a specific amount of the funding/FTE was not to be included in the base budget for the next biennium. (EPP - memo)

**Operating Budget Change** - Moves authority from one first-level expenditure category to another within the same program without an increase or decrease in the total appropriation level for the program from this source of authority. (MOM)

**Operating Expenditures** - Generally, all expenditures that do not meet the personal services and capital outlay classification criteria. These expenditures include, but are not limited to, professional services, supplies, insurance, etc. (GFOA)

**Outcome Indicators** - A way to measure results and assess program impact and effectiveness. Outcome indicators are the most important performance measures because they show whether or not expected results are being achieved, e.g., reduction in the incidence of communicable disease, percentage change in toxic air, high school graduation rate and ACT scores. (PBB memo)

**Output Indicator** - A unit of work accomplished or number of customers served, e.g., number of permits issued, number of miles of roads resurfaced, number of vaccinations given to children. Output indicators focus on the level of activity in providing the service. (PBB memo)

**Pay-as-you-go Basis** - A term used to describe a financial policy by which capital outlays are financed from current revenues rather than through borrowing. (GFOA)

**Performance Budget** - A budget wherein expenditures are based primarily upon measurable performance of activities and work programs. (GFOA)

**Performance Measures** - Specific quantitative and qualitative measures of work performed, with respect to program goals and objectives, for which data is collected and reported semi-annually. (PBB memo)



**Performance Targets** - Specific level of performance to be attained within the fiscal year or biennium. (PBB memo)

**Personal Services** - Expenditures for salaries, wages, and fringe benefits of government employees. Fringe benefits include FICA, Public Employees' Retirement System, hospital and medical insurance, life insurance, workers compensation, and, if applicable, clothing allowance, education assistance, and other personal services. (GFOA)

**Present Law Base** - That additional level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to: -

- (i) changes resulting from legally-mandated workload, caseload, or enrollment increases or decreases;
- (ii) changes in funding requirements resulting from constitutional or statutory schedules or formulas;
- (iii) inflationary or deflationary adjustments; and
- (iv) elimination of nonrecurring appropriations. (EPP memo)

**Prior-Year Encumbrances** - Obligations from previous fiscal years in the form of purchase orders, contracts or salary commitments which are chargeable to an appropriation, and for which a part of the appropriation is reserved. They cease to be encumbrances when the obligations are paid or otherwise terminated. (GFOA)

**Program** - A group of related activities performed by one or more organizational units for the purpose of accomplishing a function for which the government is responsible. (GFOA)

**Program** - A grouping of functions or objectives which provides the basis for legislative review of agency activities for appropriations and accountability purposes. (MOM)

**Program** - As used in (this act) "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide budgeting and accounting system, and is identified as a major subdivision of an agency ordinaly numbered with an Arabic numeral. (H)0002.06) (MOM)

**Program Budget** - A budget which allocates money to the functions or activities of a government rather than to specific items of cost or to specific departments. (GFOA)

**Program Goals** - The general ends toward which agencies direct their efforts. A goal addresses issues by stating policy intention. Goals may be qualitative and/or quantifiable, but are not expressed in quantified terms. The order in which goals are expressed reflects the agency's priorities for use of program resources. Goals are not time-limited. Goals represent the highest, yet realistically achievable, aspirations for a program. (PBB memo)

**Program Objectives** - Clear targets for specific action and the quantified results or impacts of that action. Objectives have shorter time frames than goals and generally state quantity. An objective is achievable, measurable, time-limited and sets the direction for strategies and work plans. There usually are multiple objectives for each program goal. All agencies are required by substantive law to develop program objectives for publication in the executive budget. (PBB memo)

**Program Performance Budget** - A method of budgeting whereby the services provided are broken down in identifiable units which have measurable objectives and performance targets

**Program Revenue (Income)** - Revenues earned by a program, including fees for services, license and permit fees, and fines. (GFOA)

**Program Size** - The magnitude of a program, such as the size of clientele served or the volume of service in relation to the population or area. (Schenck memo - MCA)

**Program Size Indicator** - A measure to indicate the magnitude of a program. (Schenck memo - MCA)

**Program Transfer** - Transfer of appropriation authority between programs without an overall appropriation increase. All program transfers must be completed using the same fund from which the transfer originated, unless exceptions are authorized in HB2 (or other appropriation bills). The approving authority may authorize agency requests for program transfers for up to 5% of the total agency appropriation within each fiscal year unless specifically prohibited by other language or statute, pursuant to 17-7-139, MCA. The 5% transfer limit applies to the combined general appropriations act and pay plan authority. (MOM)

**Property Accountability Management System** - Known as PAMS, it is a centrally maintained subsystem of the Statewide Budgeting and Accounting System (SBAS) used to manage and account for the state's investment in all fixed assets.

#### **Proprietary Funds -**

- **Enterprise Funds** - (A/Es 060XX) - To account for operations (a) financed and operated similar to private business enterprises, where the intent of the legislature is that costs are to be financed or recovered primarily through user charges; or (b) where the legislature has decided that periodic determination of revenues earned, expenses incurred, or net income is appropriate.
- **Internal Service Funds** - (A/Es 065XX) - To account for the financing of goods and services provided by one department or agency to other departments, agencies, or other governmental entities on a cost-reimbursement basis.

**Purpose** - A broad statement of the goals, in terms of meeting public service needs, that a department is organized to meet. (GFOA)

**Reorganization** - Agency-initiated transfer of function(s) from one program to another program or transfer of 5.00 FTE or more from one program to another; or legislature-initiated transfer of any FTE, appropriations, property or other items pursuant to passage and approval of a bill. The Governor is the final arbiter in executive branch reorganization in accordance with 2-15-132, MCA. (MOM)

**Requesting Agency** - The agency of state government that has requested a specific budget or a budget amendment. (Schenck - memo MCA)

**Reserve** - An account used either to set aside budgeted revenues that are not required for expenditure in the current budget year or to earmark revenues for a specific future purpose. (GFOA)

**Reserve** - A portion of a fund that is restricted for a specific purpose and not available for appropriation. (GFOA)

**Reserve for Construction** - Funds that are set aside for emergency and unanticipated needs. The amount budgeted is appropriated under nondepartmental of the applicable fund(s). (GFOA)

**Resolution** - A special or temporary order of a legislative body; an order of a legislative body requiring less legal formality than an ordinance or statute. (GFOA)

**Resources** - Total amounts available for appropriation including estimated revenues, fund transfers, and beginning balances. (GFOA)

**Revenue** - Sources of income financing the operations of government. (GFOA)

**Service Lease** - A lease under which the lessor maintains and services the asset. (GFOA)

**Short Title** - A descriptive term used to describe a particular bill, for example the general appropriations bill may be cited as the "Budget Act".

**Site-based Budgeting** - A decentralized budget process whereby budget preparation and development are based on program and/or regional sites. (GFOA)

**Source of Revenue** - Revenues are classified according to their source or point of origin. (GFOA)

**Special Revenue Funds** - (A/Es 02XXX - 03XXX) - To account for the proceeds of specific revenue sources restricted to expenditures for specified purposes (other than expendable trusts or major capital projects). The 02XXX series is used for state special revenue and the 03XXX for federal funds.

**Statutory Appropriation** - (SA) An appropriation specified in 17-7-502, MCA. In addition, the statute(s) must specifically state that a statutory appropriation is made. (MOM)

**Supplemental Appropriation** - An additional appropriation made by the governing body after the budget year or biennium has started. (GFOA)

**Supplemental Appropriation (SP)** - There are two types of supplemental appropriations to increase spending authority for a fiscal year: A transaction in an even-numbered year which moves spending authority from the second year of the biennium to the first year; and an appropriation passed and approved in a house bill to provide authority for the odd-numbered fiscal year ending the current biennium. (MOM)

**Tax Levy** - The resultant product when the tax rate per one hundred dollars is multiplied by the tax base. (GFOA)

**Taxes** - Compulsory charges levied by a government for the purpose of financing services performed for the common benefit of the people. This term does not include specific charges made against particular persons or property for current or permanent benefit, such as special assessments. (GFOA)

**Transfers** - All interfund transactions except loans or advances, quasi-external transactions, and reimbursements. (GFOA)

**Transfers In/Out** - Amounts transferred from one fund to another to assist in financing the services for the recipient fund. (GFOA)

**Unencumbered Balance** - The amount of an appropriation that is neither expended nor encumbered. It is essentially the amount of money still available for future purposes. (GFOA)

**Unreserved Fund Balance** - The portion of a fund's balance that is not restricted for a specific purpose and is available for general appropriation. (GFOA)

**University System Unit** - The Board of Regents; Office of the Commissioner of Higher Education; University of Montana with campuses at Missoula, Butte, Dillon and Helena; Montana State University with campuses at Bozeman, Billings, Havre and Great Falls; the Agricultural Experiment Station with central offices at Bozeman; the Forest and Conservation Experiment Station with central offices at Missoula; the Bureau of Mines and Geology with central offices at Butte; the Fire Services Training School at Great Falls; and the Community Colleges at Miles City, Glendive, and Kalispell. (MOM & Schenck - memo MCA)

**User Charges** - The payment of a fee for direct receipt of a public service by the party who benefits from the service. (GFOA)

**Variable Cost** - A cost that increases/decreases with increases/decreases in the amount of service provided, such as the payment of a salary. (GFOA)

**Working Capital** - The amount of cash remaining if all of the current assets were converted to cash at their book value and all of the current liabilities paid at their book value. (MOM)

**Working Cash** - Excess of readily available assets over current liabilities. Or cash on hand equivalents which may be used to satisfy cash flow needs. (GFOA)

**Workload Indicator** - A unit of work to be done ,e.g., number of permit applications received, the number of households receiving refuse collection service, or the number of burglaries to be investigated. (GFOA)

**Work Years** - The amount of personnel resources required for a program expressed in terms of the “full-time equivalent” number of employees. One “work year” is equal to one full-time, year round employee. For most categories, this equals 2,080 hours per year (40 hours per week times 52 weeks). The number of hours a part-time employee is budgeted to work during the year is divided by 2,080 to arrive at the equivalent number of “work years” for the position. (MOM)

Key:	EPP Memo =	The Governor’s Executive Planning Process memo for the 1999 biennium
	GASB =	Governmental Accounting Standards Board
	GFOA =	Government Finance Officers Association
	MCA =	Montana Codes Annotated
	MOM =	Montana Operations Manual
	PBB Memo =	The Performance-Based Budgeting memo issued by the Office of Budget and Program Planning for the 1999 biennium.
	Schenck Memo =	Report from the state Legislative Fiscal Analyst to the Legislative Finance Committee

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